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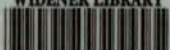
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SPEECH

OF

MR PEARCE, OF RHODE ISLAND,

*DELIVERED in the HOUSE of REPRESENTATIVES,
on the 5th, 6th, and 7th days of April,*

ON

THE RESOLUTION

OF

The Judiciary Committee,

RELATIVE TO THE

COLLECTOR OF WISCASSET.

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SPEECH

OF

MR PEARCE, OF RHODE ISLAND,

IN THE CASE OF THE

WISCASSET COLLECTOR.

House of Representatives, April 5, 1832.

[The house resumed the unfinished business of yesterday morning, which was the consideration of a motion made by Mr DAVIS, (of S.C.) chairman of the committee on the judiciary, that the said committee be discharged from the further consideration of a resolution introduced by Mr EVANS, of Maine, directing that committee to inquire into a charge brought forward by a Mr McCLINTOCK, late an inspector of the customs at Wiscasset, against the collector of that port; and that the subject be referred to the secretary of the treasury—]

Mr PEARCE, of *Rhode Island*, took the floor, and said that he should not, at this time, have troubled the house with any remarks, if this resolution called our attention to nothing beyond the consideration of the difficulties and differences which have existed between the collector of one of our ports, and one of the subordinate officers of the customs; for, said he, from the disclosures which have been made, neither of them have been long in office, and both came into office when that system of reform commenced, about which so much had, within a few years past, been said; and in regard to which, he had no doubt, we should hereafter hear a good deal more.

I have no doubt, said Mr PEARCE, that meritorious officers have been displaced to make vacancies for the gentleman who is now the collector of the customs for the port and district of Wiscasset, and for the gentleman, also, who was lately one of the inspectors of that port. What is there appertaining to the situation of the one, or the other, which ought to excite my sympathies, or induce me to take part in the debate, if the charge which has been preferred by the inspector is to be considered only as the necessary result of a quarrel between the parties? But, Mr Speaker, there are considerations involved in this question, which render it highly important, and its importance has increased by the course which this debate has taken, by the ground assumed, and the arguments used by gentlemen who have preceded me. The complaint of the inspector is before us, and it must be disposed of, not only in justice to him, but to ourselves, and to the people of the nation, as the rights of parties, as law, and the merits of the case, may warrant and demand.

I shall contend, that the peculiar circumstances which surround this transaction, although the alleged offence may not be a novel one, the facility with which the offence may be perpetrated, the right which every citizen in this country, whether high or low, has to petition for a redress of grievances, impel us to the considerations required by the resolution offered by

the gentleman from Maine, (Mr EVANS.) I shall further, Mr Speaker, contend, without intending to cast imputations upon any one, that, from the examination which the complaint of the inspector has already had, as we have learnt from this debate, as well as the charges which have been brought against him, a full, complete, fair, and impartial investigation, can no where be had, except in this house, or before a committee, acting under its authority; that, if another tribunal could investigate this complaint, and examine into the charges which have been made, and the powers of that other tribunal were less extensive than the powers of this house; in such an event, we ought not to deny to the individual complaining the hearing prayed for.

I shall reply to some of the uncalled for remarks, made by gentlemen who have preceded me in the debate: and I regret that they were made, some of their arguments; and when I have finished my work, I will yield the floor to any one who may be anxious to take it.

In the first place, a word only as to the manner in which the complaint comes before us, and then a reference to the complaint itself.

It comes before us, in the form of an affidavit, signed by John McClintock: that affidavit is, by a member of this house, through the regular channel of business, sent to the committee on the judiciary, who are directed by the house to inquire into the charges therein contained; McClintock states that Thomas McCrate, the collector of the port of Wiscasset, did, in January, 1831, attempt to induce him, then an inspector of the revenue, to swear that he had given no part of his fees as an inspector to any person, directly or indirectly, but that he had received the whole amount; whereas, in fact, said McCrate did, then and there, require him to pay to him, the said McCrate, twenty-five per cent. out of his fees for all services by him done, as inspector, before taking said oath—"amounting to about *one hundred and fifty-seven dollars and twenty five cents*." Said McCrate had paid said McClintock, in goods and cash, about four hundred and twenty-eight dollars; the balance then due to the said McClintock was about two hundred and one dollars. Said McCrate then deducted the said per centage of one hundred and fifty-seven dollars from this balance, two hundred and one dollars, and offered the said McClintock the balance after such deduction, viz: forty-four dollars, as in full payment for all of said fees! Said McClintock then stated to him, that he could not take the oath required; that is, he could not swear that he had received the whole amount of his fees, and that he had given no part, DIRECTLY or INDIRECTLY, to any person; when, in fact, he would have given said McCrate, DIRECTLY, one hundred and fifty-seven dollars and twenty-five cents, or one quarter of all his fees for services as inspector; and, therefore, refused to take the said forty-four dollars, offered, as aforesaid, in full payment, but required the lawful balance, viz: two hundred and one dollars and some cents. Said McClintock then asked said McCrate how he (McClintock) could take said oath. McCrate replied, by *calling* it a present! Said McClintock then said he could not swear that he had not given any part, direct or indirect, when he should call the same *direct*. Said McClintock replied that there was enough who would; and the next day said McCrate *sent the said McClintock his discharge*; or, in other words, notified the said McClintock that his services as inspector were no longer wanted in his district; and no other reasons were ever offered, or any further explanation ever had between the said McCrate and McClintock."

I have been somewhat particular in the recital of this complaint, that the nature, as well as the extent of the charges which are made, may be fully understood, and that the house might know what it is called upon to investigate.

The relation which the inspector bears to the collector, and the manner in which the subordinate appointments of the customs are made, are also subjects not unworthy of consideration. All these subordinate appointments are

made upon the nomination of the collector, the approving power is in the head of the treasury department; but no names are presented to that department, except through the collector. The secretary of the treasury never nominates, and he but seldom removes, except upon the representation and complaint of the collector himself. The collector, in his nominations, has the right to select; and, it is to be presumed, does select, his political and personal friends: according to the course of the treasury department, and the law in relation to the appointment of inspectors and other subordinate appointments of the customs, he has at his control the whole patronage of all these offices—and all the officers of the customs know this. The collector can make these exactions complained of by the inspector, whose complaint is now under consideration, and the difficulties which would attend a detection are great and manifold; a detection is only to be expected from the party injured, and seldom from him, if a disclosure should be attended with the loss of office.

Is the treasury department the proper tribunal to investigate this complaint? In the first place, it is not, because it has passed upon the rights of the individual who alleges that he has been injured, *ex parte*, upon the representations of the collector alone, over whom it has no control, and cannot, of itself, affect his continuance in office, or bring about his removal. Its judgment is in full force, and is binding, and will continue to be binding, until the same is reversed by a higher tribunal, whose mandate it is bound to obey. The treasury department has decided that the complaint of the collector against the inspector was fully proved, and the judgment which followed has been carried fully into effect, in the removal of the inspector; and this department is to be selected as the tribunal now to hear and try the complaint of the inspector against the collector, whose complaint against the inspector it had heard, tried, and upon which it passed sentence, having, in relation to the inspector, the power to make the removal which was made. Sir, it is contrary to the spirit of the whole of our institutions to send a man for trial to the court that had tried and condemned him, and to a court which must be bound by its own decisions while those decisions are in force. Let it not be understood that I have from the remarks I have made, or any which I intend to make any distrust of the impartiality or honesty of the present head of the Treasury Department: I know him too well to call in question the one or the other, and he knows me too well to believe that I would do it. We were at one period both representatives from the two smallest states in this Union, and from that circumstance alone I was led to respect him, not to mention others; and more might be mentioned, if more were required. I am arguing this question according to my own convictions of the rights of parties, and my own opinions of the law of the land, and the rules which govern us in all analogous cases. With this view of the case, the collector cannot be tried by a tribunal that has not the power to punish, and upon the complaint of the inspector who has been condemned by that very tribunal, and whose loss of office, is the punishment that has been inflicted—by another view of the question, one taken by the gentleman from Connecticut, (Mr HUNTINGTON) a few days ago, if you send the complaint to the Treasury Department, you send it to a tribunal that cannot fully try the same, and cannot carry into effect any judgment it may pronounce. To investigate this complaint and come to a correct decision in regard to the rights of both individuals, it may be necessary that the tribunal before which it is tried should have power to send for persons and papers, to administer oaths, and to take testimony according to the common and ordinary proceedings in court. Is there any power in the Treasury Department to do this? No, sir, it has not the power to command the attendance of a single witness called by either party, it cannot administer an oath to any individual that may come before it, and if it hears at all the party complaining, it must hear

without the aid or benefit of those forms and ceremonies, important too, they have always been considered, where character or property is involved in the examination to be had. The Treasury Department cannot impart to others a power which it does not itself possess; it cannot, therefore give to individuals the power to proceed in the hearing of the complaint different from what the department would exercise, if the hearing was before the head of that department. One gentleman from Maine, (Mr JARVIS) has complained of the great hardship that would attend the collector, by a trial any where but in the vicinage, or the place where, (if at any place,) the cause of complaint accrued, and insisted upon a trial there, in behalf of the collector, as a common law right. Where has the inspector been tried, and condemned, I may say unheard, where he was best known, in the place where he lives, and where, for any thing that I know, he has always lived? Oh, no, he has been tried by the Treasury Department, not confronted by any witnesses, and the first intimation which he had, that there were in fact any proceedings against him, was in the sentence that was passed upon him. But if the gentlemen from Maine, is so very tenacious of these common law rights, let him not be content with the exercise of one of them, but extend his views in reference to a full trial in the present case, beyond one, and agree, that the complaint of the inspector shall be heard before a tribunal, that can send for persons, can administer oaths—a tribunal that will examine and hear, as if the whole subject matter of the complaint was new, without any impression in regard to it, without prejudice, and without partiality.

But, Mr Speaker, another gentleman from Maine, (Mr ANDERSON) has referred us to the uniform practice in all cases of complaints of this description: the invariable practice in the state of Maine; refer, says he, the subject matter to the Treasury Department, the head of which appoints the United States' Attorney of the District where the parties reside, and the investigation is had before him. I would ask the gentleman, what power the United States Attorney has to make this investigation, which the Secretary of the Treasury does not possess? And, certainly that honorable gentleman will not contend that the Secretary, can in that case, impart a power which he does not possess; then this tribunal, designated by the gentleman from Maine, is liable to all the objections which I have already made to the Treasury Department, or any tribunal or authority instituted by, or emanating from it. I think I could, in the course of my remarks prove, if the gentleman should not be willing to admit it, that the investigations to which he has invited the attention of the house, have dissatisfied both parties, and have decided nothing.

What will be the probable results and consequences of the investigation, if it is to be managed by the Treasury Department, and we are to shut the doors of the house against the complaint? The U. States' Attorney of Maine, will probably be directed by the Secretary of the Treasury to enquire into the complaint; he will appoint the time and place of hearing of the parties, they will appear with their witnesses, all the officers of the collection district, the minions of the collector dependent on him as they all believe for their official existence, will appear in his behalf; and if they know nothing touching the complaint, will declare they know nothing against the collector, and verily believe him not to be guilty of what is alleged against him. Those who might confirm the late inspector in the charges he has made, if they ever expect an appointment under the collector, will not appear, whatever may be their knowledge of the facts necessary to be proved, and those who expect nothing through the influence of this officer, might be spirited away; the inspector's charges would stand confirmed by his statement alone, and that not under oath, for the tribunal instituted, could not administer one,

and with the superabundance of testimony, if such it may be called, of a negative character, in relation to the collector the report to the Treasury Department would be in his favor, while the inspector would be disgraced in the opinions of his friends, in the opinion of the department that ordered the investigation, and of all persons who confined their views to the report which would be made, and who knew nothing of the mode of investigation or the circumstances attending it. They will not, as parties to the complaint, be upon an equal footing—ought they not to be? Who is this complainant? Mr Speaker, from the manner in which allusions have been made to him, by two gentlemen from Maine, (Mr ANDERSON and Mr KAVANAGH,) I would infer, that he was a man of some respectability, some influence in society, possessing a share of popularity; it is, I think conceded that he is now one of the ardent and most efficient supporters of the administration of the General Government, possessing the confidence of the authorities of Maine at this time, having lately been appointed to important offices under the authority of that state. Yes, sir, since he was dismissed by the collector and the Treasury Department, the only man from the state of Maine who has sided a word against him, is the gentleman, (Mr JARVIS) and in reply to him, I may say a word hereafter, who resides the farthest from him, two hundred miles or more, and who has the least knowledge of him.

There is no man in this house more cautious or circumspect, than my friend (Mr ANDERSON,) I have observed his course from the beginning, for we came here at the same time: he has steered his ship on all occasions, with an uncommon share of skill and discretion. What says my friend, Mr ANDERSON *astutus non capitur astu*, does he make any charge against his constituent, Mr McClintock. [Here Mr A. rose, and said Mr M. was not one of his constituents, he did not reside in his district, and lived sixty miles from him.] It is true said Mr P. he does not reside within your congressional district, but still as a citizen of the state of Maine, he may be considered one of your constituents; and although he does not reside within sixty miles of you, if he has been one of the sheriff's deputies for the county of Lincoln, the distance is not so great as to render him unknown to a professional man. But the gentleman in his remarks, proceeds with pensive pace and measured steps; his usual discretion does not forsake him—he advances with *protestando*. Recollect, Mr Speaker, says he, I do not charge the inspector, I know nothing against him, I have only heard that the friends of the collector have said that the inspector was dismissed for habits of intemperance. From any thing, said Mr Pearce, that has been alledged by the gentleman from Maine, the character of the late inspector stands as fair now as it ever did, and it may not be improper to infer, that the charge of intemperance was the result of after thought, on the part of the collector, to furnish an excuse for a removal, when it was determined that the refractory and contumacious inspector should be removed. At a proper time I will remark upon a new charge made against the inspector by a gentleman from Maine, (Mr JARVIS) and relied upon in argument by a gentleman from North Carolina, (Mr SPEIGHT) a charge as contended by both gentlemen, supported by documents recently procured from the Treasury Department, and will now call the attention of the house to the silence of another gentleman from Maine, Mr Kavanagh, representing the district in which the collector and late inspector reside, knowing and well known to both.

Why, when the collector is charged as he has been by the inspector, and impeached on this floor, is he silent, if he could support and sustain the collector? Is it because the inspector is an efficient political friend? Is not the collector one also; and of the two can there be a doubt whose aid would be the most efficient—whose friendship the most

valuable? The collector with all his office patronage, or the late inspector with no offices, but those which he holds under the authority of the state of Maine? I submit it to the house then, said Mr Pearce, if the collector could be sustained, he would be by the gentleman who represents the district in which he lives, if the charges against the inspector could be supported, the gentleman would so declare, and not preserve this silence. I will now, for the moment, leave the complainant, Mr McClintock, in the hands of his political friends, with one request, that gentlemen who are disposed to treat him rather harshly, before they proceed further, would enquire where is he now—what share of public confidence he now possesses—what offices he fills in the state of Maine—to what political party he now belongs. His own representative knows how he voted, at the last congressional election for the county of Lincoln, in the State of Maine.

Another view of this question, I will now said Mr Pearce, take: if in regard to common offences, those in the language of the gentleman from North Carolina, (Mr SPEIGHT) applied to this of a trivial nature, the course recommended by some gentleman, is that which should be adopted. Is it the course which should be adopted for the purpose of investigating the charge which has been brought against this individual?

A discussion of this question will lead the house to enquire into the facilities with which similar offences may be committed, (the subsisting relations between collectors and inspectors have been referred to) and the extent of those offences. In this collection district, so small and so unproductive, that in the opinion of one gentleman, Mr FELDER, of South Carolina, it ought to be abolished; the collector has his deputy, two or three permanent inspectors, four or five temporary inspectors, his weigher, gauger, and three or four other officers, on all of whom these contributions may be levied, and exactions made; in the port of Boston, there are near one hundred men who are employed directly or indirectly in the collection and business of the revenue, and who are paid for their services by the collector of the port, who hold their offices upon his nomination, whose removals may be the consequences of his displeasure, and remonstrance against their continuance in office; in the port of New York there were in 1830, as stated in the *Blue Book* of that year 185; and it is said since that time their number has greatly increased, and the increase, said Mr Pearce was, in his opinion, a necessary one: for he would not be understood as making any insinuation against the efficient and indefatigable collector of that port, there are officers more or less of this description in every port of entry and delivery in the country, collectively, almost as numerous as our little army, more especially, when the officers of that army, and the soldiers deserted, are not taken into the estimate; there are in the little state of Rhode Island eighty-five offices of this description, many of whom he knew, and it could be proved in one of the collection districts of that state, the district of Providence, were called upon to contribute a part of their earnings for party purposes, and for the upholding of newspaper establishments. Then, said Mr Pearce, there is no offence which may be so common as that which it is alleged the collector of Wiscasset committed, or attempted to commit; and what one can be committed with so great a facility? Let it be once understood, that a refusal on the part of the subordinate officer to comply with those arbitrary exactions, whether the money levied is to be applied to party purposes, or to swell the collector's emoluments, is to be attended with the loss of office, your collectors will make these exactions with impunity; for, but a few will dare to resist; and the case of the late inspector of Wiscasset, may be the only one that will come to our knowledge, under this, or any other administration for many—many years.

Mr Speaker, to show that the collector of Wiscasset may not be the only officer of the government who is guilty of what is alleged against him, it

may be proper to resort to what, I hope, exists only in rumor. But, sir, I have heard that he is not alone in these exactions. It has been rumored that the collector of the port of Boston, for party purposes, has made, or attempted to make, similar exactions; that a refusal to comply with the requisitions which were made has been followed, in some cases, with the loss of office, on the part of the recusant incumbents; that these exactions were resisted by Gen. McNeil, by Mr James; by Mr Norton, whose appointments and disappointments have made us familiar with a word, not to be found in the dictionary of old Bailey or Dr Webster.

Sir, whether the allegations against the collector of Boston be true or not, I do not know. I prefer no charges against him, or any other man in office; it has been my business to argue this question upon principle, and shew the necessity of an investigation by this house, not from what has existed, but from what may exist; not from offences committed, but from a view to offences that may with facility be committed, and extensively committed. Since I commenced my remarks this morning, and during the time I have been speaking, I have found on my desk a note from one of the reporters of this house, which I will read:

"I authorize you to say that graver charges than have been exhibited against the collector of Wiscasset, will be exhibited against the collector of Boston.
J. GOOCH."

"Duttee J. Pearce."

This is, to me, unexpected proof. The writer of the note I know only as a reporter; and have heard that he was once in office under the collector of Boston.

I now submit to the house, Mr Speaker, that the extent to which corruption may be carried in the custom-house department, the facility, which acts similar to that which, as is alleged, was perpetrated by the collector of Wiscasset, the difficulty which would ordinarily attend the detection of offenders, require, upon every principle of policy and justice, an extraordinary interference, and the application, in relation to the case before us, of extraordinary powers. Grant, for the argument only, that, in a common case, the treasury department would be the proper tribunal for investigation and trial, in reference to the subject of the complaint now under consideration, if there be one tribunal with powers more extensive than another, with more independence in character and constitution, in justice to the nation, in justice to the individual who has complained, that tribunal should be selected for the investigation and trial. I will not institute a comparison between that tribunal, which this house would necessarily constitute, and the treasury department.

Some gentlemen, who have preceded me, have resorted to the doctrine of the common law, and to English legislation, for illustrations. I thank them for the direction they have given to my mind, and reflections. What is the doctrine of the common law, and the spirit of English legislation, in regard to offences which, from the nature of things, may be as extensive as civilization itself, of every day's occurrence, committed with the greatest ease, and the detection of which is attended with no common difficulties. Sir, though not of themselves sanguinary, or the commission of which is not attended with the loss of life, yet the punishments inflicted for those offences have been capital, and the laws authorizing them have, in modern times, been denominated sanguinary. The great commentator upon the laws of England has informed us, that horse-theft was punishable with death—and why? Because there was no way in which the offence could be guarded against, because it could be easily committed, and because the thing stolen was of such a character and description as to give to him, who committed the depredation, all the desired facilities of escape. A severe punishment, by the laws of England, is also inflicted upon him who enters your enclosure, and takes from it the fabrics

there placed, and there necessarily left, in the night-time, to be bleached—and why? Because this offence can be easily committed, and always under the cover of the darkness. Sir, the spirit of the English laws, and the causes which, in England, have existed for those laws, have influenced and directed the states of this Union, and the Congress of the United States, in their legislation. In some of the states now the punishment for horse stealing is death; and when we turn our attention to the acts of Congress, we find that, in almost every transaction, wherein false swearing could exist, and in the custom house department there are more oaths required than any other branch of the government, that swearing declared to be perjury, and punished as such. This oath, which, as is alleged, the collector required the complainant to take, and which was read by the gentleman from Maine. (Mr EVANS,) when he addressed the house, was perhaps the only mode the legislators of the nation could devise, to prevent the commission of the offence which, it is said, the collector of Wiscasset attempted to commit upon the officer under him. That it might be committed, was supposed, when the law was passed, or the oath, which has been read, would have been of a different tenor; that no other or better expedient could be devised, as a preventive, it is proper to infer; otherwise some other would have been offered.

I know, Mr Speaker, what were the views of the late secretary of the treasury, (Mr Ingham,) in regard to the close connection between the collector and the inspectors, and the dependence of the latter upon the former. And here I will take the liberty of making a remark or two of that secretary. He was neither my political or personal friend; but it is due to him to say, whatever may be his future condition, whether he is to continue where he now is, in retirement, “the world forgetting, and by the world forgot,” in the discharge of the duties of his office, his was the singular good fortune to disappoint his friends and enemies. No man was more devoted to the performance of those duties, and no man ever discharged them with more fidelity, greater zeal, or ability. That gentleman, if he had continued in office, would have submitted to this house a report recommending a change in the tenure of the offices under the collectors of our ports, altering the mode of their appointment, separating one from, and making them independent of, the other; and this report would have been founded upon these temptations existing to tamper with oaths, to levy contributions and make exactions. Why should they not be separate? Why should not all temptations be removed, if they cannot be entirely, as far as practicable, by legislation? Many of these subordinate offices, in regard to their emoluments, are not inferior to the office of collector. In some of our ports, some of the permanent inspectors receive double the amount of compensation which the collectors can lawfully receive. Even in the larger ports, such as Boston, New York, Philadelphia, Baltimore, the compensation of a weigher and gauger may be as great, is frequently greater, than the compensation of the collectors. Why should these appointments be under the direction, and, in fact, the control, of the collector? Why should the whole patronage of the custom house be exercised by the collector of the port? We sometimes startle at the idea of executive patronage; it has been, to my knowledge, for the last seven years, a copious theme of declamation for our orators, and the source from which, as one would suppose, they drew their inspiration. But, sir, the direct patronage of the president of the United States is not so great, not so liable to be abused, or exercised with oppression or corruption, as that of the collector of Boston or New York. These men are disbursing officers, one, perhaps, to the amount of two hundred thousand dollars, and the other to the amount of half a million of money. Suppose they should, every quarter-day, make exactions and levy contributions, in the way it has been alleged was attempted by the collector of Wiscasset, who would not be astonished at the

extent of the corruption! I will not stop to discuss the question, whether these exactions are more tolerable, when made for party purposes, than when made for the emolument of the collector himself. If this administration is supported by them, and has consequently an increased popularity, let this increased popularity be ascribed to the proper cause. If office holders are willing to give, and do freely give, a part of their salaries to sustain the party to which they belong, this is not the time nor place to examine the correctness of the procedure; nor settle the question whether, by such practices, the institutions of our country can be perpetuated.

I say now, what I said under the late administration, that all other things equal, it is the duty of the party in power to select their friends for offices, rather than their enemies, but in regard to this, although I had, as is known to many gentlemen, a share of the confidence of that administration, I never could induce the executive to adopt the qualified rule. The astute member from Maine, (Mr ANDERSON) had then the good fortune which I doubt not he now possesses of controlling all the appointments of his district, and many of the important appointments of the state from which he comes. I knew that Mr Adams was very desirous to appoint a personal friend, a classmate in college, to the place which Judge Preble was called to, yet the gentleman from Maine was mainly instrumental in securing the place for his friend, the gentleman I have named.

I come now, Mr Speaker, to one consideration involved in this question, more important than all others; if it had not been so considered by me, I would not have engaged in this debate, or troubled the house with any remarks whatever, that is the right and the extent of the right, of the late inspector of Wiscasset to be heard by this house, and the consequences which would follow a denial of the right. The *petition right* has ever been considered one of the sacred rights of the citizens of a free government; none perhaps more sacred, and when that is infringed or destroyed, freedom will languish, and languishing, will die. In the first article of the amendments of the constitution of the U. States I find this language—"Congress shall make no law abridging the right of the people peaceably to assemble and to petition the government for a redress of their grievances;" and surely what the *people* can do, any *one* of them can do; this will be conceded by every one. Before the adoption of the Constitution of the United States, there was to be found in the constitution of every state that had one, similar language, the right was well secured without the amendment to the Constitution of the United States, and without that, as it was a pre-existing right not surrendered, Congress could make no law denying its exercise to the citizens of this country. It perhaps, might not have been necessary to have inserted the language quoted in the bill of rights appended to the constitutions of the several states, for this right existed before the formation of those constitutions, and was never by the people of this country surrendered. Our forefathers brought with their poverty and their children, when they emigrated, some sentiments of freedom—all that existed at the time when they left their native country; these were as dear to them as any of the additional rights acquired here; and to prevent any dispute in relation to them, their posterity have never been contented to submit themselves to the operation of any government in which these rights were not enumerated. Sir, it may be well doubted, whether,

"When England's ancient barons, clad in arms,
And stern in conquest, from their tyrant King
Then rendered tame, did challenge and secure
The charter of their freedom,"

they conferred more benefits on mankind than the commoners in England, who, in 1628, extorted from Charles the 1st the Petition right.

So great an acquisition was this at the time considered, that the people of England for the moment lost sight of the arbitrary exactions of a tyrannical prince, and seemed to be content with the ship money, tonnage duty, and poundage levies. Of all the rights enumerated in the amendments to the Constitution of the United States, none perhaps is more important than this; and without these amendments the people of this country never would have submitted to the Constitution itself. Of what avail is any constitution, granting the free right of opinion in religious concerns, the freedom of speech and press; declaring that private property shall not be taken for public uses, without just compensation, if the right of a citizen to petition the government for a redress of grievances, which right necessarily involves a right to be heard, is denied him? It is then, Mr Speaker, submitted, that this right to petition and consequently to be heard, being a fundamental and sacred right, a denial of investigation or hearing before the highest tribunal, one where justice will be rendered fully and impartially, where it can be speedily and effectually rendered, is an invasion of this right. But this is a small concern; the gentleman from North Carolina, (Mr SPEIGHT,) tells the house the alleged offence of the collector, is a trivial, light offence, and therefore we must not hear the complaint of the late Inspector: he asked for a fish, the gentlemen from North Carolina would give him a stone; he asks to be heard in his complaint against the collector, and we turn upon him and try him upon new charges, which he never heard of. Yes, the gentleman from North Carolina, (Mr SPEIGHT) and from Maine, (Mr JARVIS) have in effect said to him, Sir, before you troubled the house with your complaint we knew you were a man habitually intemperate, for that was on record in the Treasury Department; since your complaint against the collector was made, one of us, by examining the records, in that department, has also found you to be a perjured wretch; now if you persist in your complaint, other facts will be disclosed, and the sooner it is withdrawn, the better will be your condition; if you go farther, you fare worse. These charges and the reasoning and argument of these gentlemen with their evidence also to support them will be hereafter noticed.

It would not perhaps, be uninteresting to the house, if the time would permit, to examine the course of this government in relation to the rights of its citizens, from its first formation, many of them not so important or valuable as that which may, by our proceedings, be violated, to examine the practices of other countries and other governments, where private rights were called, or liable to be called, in question. Not an inch of a man's freehold can this government touch, except in compliance with the condition prescribed by the Constitution of the United States, and the laws made in pursuance of that constitution; and whenever private property is taken for public use, for light-houses, for fortifications, or dock yards, "just compensation" is generally held to be double the amount in money, which an individual would give for the same property. This may not be wrong, as the property of the individual is made valuable from the very circumstance that his government may want it; and it is better to err in favor of private rights, than against them. In other governments, where the sovereign has but to will a thing, and it is done, governments arbitrary and despotic, there has been the same cautious observance of these rights. In the course of my life, I once referred to what I will now call the attention of the house, as related of Napoleon, in one of the publications of the day, to show his high regard for the rights of his subjects, as secured by the law of the land.—Soon after his marriage to the daughter of the Emperor of Austria, he determined to erect a splendid palace in Paris: he had selected the site, and nothing was remaining to be done, as a preliminary to the commencement of the work, but the purchase of a small strip of land covered by a cooper's shed; to extinguish the title to

this little strip of land, he authorised his agent to give to its proprietor, a sum equal to twice its value, but this offer did not have the desired effect: four times its value was required, this sum was also offered, but when made, a higher value was placed upon the land, and a larger sum of money required. What, sir, did this despot do? Then in the plenitude of his power, whose word was the law of an hundred millions of people, at whose nod kings and rulers trembled, and empires shook! Sir, he did not erect the palace: he respected the rights of property, and suffered the proprietor of the land, to retain his miserable shed, and that to stand as a memento of his folly, and the respect of Napoleon, for the laws of the land and the rights of his subjects. Sir, what was this right? a mere right to property, a mere question about soil and the value attached to it; but the present investigation is attended with the consideration of a personal right, without the free and complete enjoyment of which, as I have attempted to show, freedom could not exist, and our boasted institutions would lose their value.

In the history of our own government, in the legislation of Congress, many cases are found of the determination of the representatives of the people to preserve their rights inviolate. When the news of the imprisonment of a citizen by a foreign government, of one of the citizens of these United States, be found, their representatives, (I refer to the imprisonment of Mr Meade, rejected, or authorities of the Spanish Government) the ordinary legislation of the suspended until the resolution of an honorable and high minded person of the from Kentucky, Mr Trimble, was disposed of, directing an increase in operation authorities of this country, into that imprisonment, and the adoption by it; measures as would speedily effect his liberation, if wrongfully imprisoned; yet that was the case of a single individual, a trivial concern perhaps, in the opinion of some men for the action of Congress. The late war is in our debates often referred to.—What was the principal cause of that war? the imprisonment of six thousand four hundred and sixty-five of our seamen, confined, to use now the language heretofore used, in the “floating hells of England;” yet all these men were in the lower walks of life, the government might have turned a deaf ear to their cries, and the bloodshed, and the money expended would not have been required for its successful prosecution. It is within the recollection of some who hear me, that just before the commencement of the war mentioned, a random shot from one of the English armed ships, at that time in the habit of hovering around our coast, killed the commander of a small fishing smack, (one of my own name) as she was entering the harbour of New York, a humble individual “to fortune and to fame unknown;” yet neither the constituted authorities of the country, nor the citizens of New York considered this act a trivial offence: at the commencement of the war, it was one of the offences unatoned for, and one of the causes of the war. After all, Mr Speaker, what government can lay claim to the affections of its citizens, or their personal services, which does not, in the language of one of the sages of Greece, (language often quoted) consider an individual’s injury a nation’s wrong, and act accordingly?

In all our legislation here we force upon the citizens of this country, holding offices of trust, the necessity of strictly and faithfully accounting to the government for the discharge of that trust; we bind them, and when so much is required by the government, is there no claim on the part of the citizen to protection, or can the claim or the right of the citizen be overlooked or disregarded? I ask gentlemen to reflect for a moment upon the consequences of a refusal by the house to attend to the investigation required by the resolution, which the house sent to the committee on the judiciary.

As connected with, and shewing the importance of, the petition right, and the rights of the late inspector, whose complaint is now before us, permit me now to call the attention of the house further than I have done, to what has taken place since the commencement of this debate. The late inspector asks to be heard on his complaint against the collector; but instead of doing that, gentlemen (Mr Jarvis and Mr Speight) have lost sight of the collector, and put the inspector on trial. They have not been content with a mere reference to a former trial of him by the treasury department, but have had recourse to that department for testimony to enable them to produce a further conviction. And what is that testimony, and the new charge upon which they would convict him?—The new testimony is swearing to a false account as inspector, and the new charge is perjury.—They have opened the case upon the testimony which they have procured. I protest against the mode in which they have procured the testimony, its conclusiveness, and the whole course of both of gentlemen in relation to it. If, sir, it were proper to look up proof against the inspector, and it could be found in the treasury department, the gentleman from Maine knows how it ~~could~~ have been procured—by a resolution directing the secretary of the ~~house~~ to communicate to the house all that the department possesses—heard after such a resolution the house might have had all the evidence, upon which alone, which was fitted to a particular charge or argument. I North Carolina mark to make to these gentlemen, to which I should be pleased said to him. If the inspector was guilty of swearing falsely to his accounts you were the government, could it be done without the privity of the collector Treasury from these accounts are transmitted to the treasury department, and by from the oath taken is in many cases administered, or by his deputy, or some one in his office and acting under him. Sir, gentlemen would make the inspector “a greater fool than villian.” The false-swearing, to defraud, could not have taken place, without the collector’s knowing it, and knowing it, would he have been contented in his accusation against the inspector, with the simple charge of intemperance, having at command a charge of a graver nature? Answer me, gentlemen, if you can.—Does any man, in his sober senses, believe for a moment, this charge against the inspector? Sir, the gentleman from Maine went to the department to get something to enable him to make out a case; what was necessary he got, and what would have shewn that he had no case, he left behind; and the gentleman from North Carolina takes the report of the gentleman from Maine to be true, and reasons accordingly. With an answer to his reasoning, the house must indulge me for a very few minutes. The gentleman from North Carolina [Mr Speight] is unfortunate in all his positions in regard to the law of the land. Two witnesses were, in his opinion, necessary to convict a man of subornation of perjury. And now, Mr Speaker, he seems to be impressed with the idea, that false-swearing is, in every case, perjury. The late inspector has sworn to a false account, and has therefore perjured himself. This investigation is to be discontinued, because, if further pursued, it will only lead to further disclosures unfavorable to the inspector.

I have already stated my disbelief of any error in swearing to his account; I will now take the ground, that; if there was any, the false-swearing was innocent—not intended to operate injuriously to the public, or advantageously to the individual; that it was not an offence involving moral turpitude, nor could the act be considered one, either in the forum of conscience or in the courts of law. It must have been the result of a mistake innocently made, as to his rights, and could not have been made with an intention to defraud, with a hope of success, unless there was a conspiracy between the collector and inspector, for the attainment of the object which the latter had in view. To make out the charge of perjury, it is necessary for the gentleman from North Car-

olina to show, that the false-swearing was wilful, corrupt, and with an intention to defraud, and without this his charge is unsupported. But, sir, this charge has been made and reiterated, and documents for which we are indebted to the zeal and industry of the gentleman from Maine, (Mr Jarvis,) have been procured from the treasury department, to support it.

When the late inspector appears before us in the character of an accuser, the secretary of the treasury, who has decided upon the charges which the collector preferred, who passed sentence upon the inspector, is the only individual to be found, competent to examine the complaint which the inspector makes.—[Here Mr Speight arose, and observed that the inspector was dismissed by Mr Ingham, or when he was secretary of the treasury.]—Then, continued Mr PEARCE, I have an additional objection to the reference of the complaint to the treasury department; for Mr McLane might reverse his own decision; but, from respect and comity to the decision of his predecessor, it is very certain he would not look into that to reverse it. Such has never been the practice of the department, and it is perhaps right that it never should have been, otherwise nothing would be settled. Those who have been to the subordinate officers of that department, know the difficulties attending any claim you may have on the government, or any which you may have, in behalf of those you represent, when a decision can be found, however old it may be, showing that a similar claim had been rejected, or similar relief, once prayed for, had been denied.

It will be recollected that the decision, made by the predecessor of the present head of the treasury department, has been in force and in operation for more than a year; the rights of individuals have been concluded by it; and this might be, with the secretary, another reason why the decision made should not be disturbed, or looked into for the purpose of ascertaining whether the allegations, heretofore made by the collector against the inspector, were supported.

I leave now, Mr Speaker, to the determination of the house, the course to be pursued. I have stated the reasons which will influence, me to vote against a reference to the treasury department. I have viewed the question raised as important, not on account of the rights of, perhaps, the humble individual, who has made the complaint, which has been the cause of this protracted and tedious discussion, but in reference to the rights of the whole people, which may be affected by the decision we shall make, and the principles we shall settle. What is one man's case to-day, may be mine, or yours, to-morrow. I have never seen this inspector; it is not probable I ever shall. I did not know that there was such a man living as Thomas McCrate, before this debate commenced. There are no political or party considerations, for reasons that have been given, which have, or which ought to have, directed me to the course which I have taken. I trust, and, if I know my own heart, I cannot doubt, that my motives of action, on this occasion, are of a nobler and more laudable character.

One remark for the benefit of the gentleman from Maine, (Mr JARVIS,) who is so anxious for the floor, that he is upon his feet whenever I stop for breath; and I will advance to that part of the discussion, rendered peculiarly unpleasant by the party and political character which has been given to it. It appears, by that gentleman's own showing, that the inspector was continued in office three months from the quarter day when, as he alleges, he refused to take the oath which the law prescribed, and submit to the exactions which the collector made upon him. Was it necessary to give him three months as a *tempus penitentiae*? If time was required for this, why was it necessary to give him just three months, and no more? Was it necessary to put him in a state of probation, with a view to reform his habits? If it was, why was it found necessary to give him three months, and three months only, which

were to end when the next quarter day came round, and the time allowed was not to extend beyond it? The gentleman from Maine, when he gets the floor, can, and undoubtedly will, answer these questions. I am anxious to be informed, and ask only for information. Left in ignorance upon this subject, inferences unfavorable to the character of the collector might, perhaps, be drawn. Some one, less friendly to the collector, might say that the three months' probation were allowed, not so much with a view to a reform of habits, as to try the strength, and test the duration, of a stubborn disposition.

I must now crave the indulgence of the house, longer than I could have wished, but as long as it may be found necessary to enable me to reply particularly to the remarks of the gentlemen from North and South Carolina, and the gentlemen (Mr JARVIS and Mr ANDERSON) from Maine.

In the first place, a few words to a gentleman from Maine, (Mr JARVIS.) If any one is dissatisfied with the course of this debate, the character it has assumed, it belongs to that gentleman to say,

Me, Me; adum qui, feci, in me convertite ferrum.

He is the man who impugned the motives of an honorable senator, indecorously brought his name into this debate, and held, or attempted to hold that name up to scorn. Even the character of those who have given certificates in favour of the late inspector have been assailed, and they, or some of them as he says, are actuated by sinister motives, and are disappointed office-seekers. It will be recollected that the gentleman from Maine volunteered his services to procure, and has procured, documents from the Treasury Department to destroy the character of the late inspector, the man who belongs to the party under whose flag the gentleman is now fighting. Did this gentleman suppose that he could scatter at will his fire-brands among the combustible materials of this house, without any apprehension whatever, that some of them would ignite, or that he could play the part of Alecto with impunity? if he did, he had some thing to learn, and I am much mistaken if he does not come out of this debate, a little more wise, than when he went into it. I leave the gentleman for the moment; and whether the collector of Wiscasset will find it necessary to say, from such friends "Good Lord deliver us," time will determine.

The gentleman from North Carolina, (Mr SPEIGHT) has informed the house that this discussion has been got up as an attack on the outposts of the administration. I have repeatedly informed the house, that I intended to make no attack, whatever, on the administration, and I now assure the gentleman, that if I did, I would not bring my forces, against one of the out-posts, I would if I could, scale the walls of the citadel, and I would not be satisfied, until I had planted my standard in the very heart of the city. The gentleman from North Carolina has thrown down the glove in proud defiance, as if there was no one of sufficient courage to take it up. He invites the house to the strictest scrutiny in regard to all the acts and measures of this administration; he says General Jackson came into office pledged to a system of reform and retrenchment, and moreover to break down the line of succession established by Mr Jefferson, by which the incumbent of the Presidential chair was able to cast the mantle of office, upon his Secretary of State; that when General Jackson was before the people, he had to contend against the whole patronage of the party in power, and the destruction of this patronage was another object which he had in view. Well, sir, the door is open; let us look in, let us scrutinize, and see how far these pledges have been redeemed. A system of reform—when the gentleman from North Carolina, and the gentleman from South Carolina, (Mr MITCHELL) the two prominent administration members, (leaders as they have been styled, and I am willing to accord to them all that belongs to them,) talk of the reform of this administration, I am re-

mind of what Cato said of the augurers of Rome; he wondered how they could meet each other without laughing. How these gentleman can talk of reform and retrenchment of this administration, without laughing, is to me as great a wonder, as was Cato's, in regard to the augurers—well, enough, perhaps, for political purposes, more especially if “all's fair in politics,” to talk of the reform and retrenchment, which have been accomplished by this administration to the people—well enough to make them believe that all which was promised has been effected, but the difficulty with me is how to account for the language of the gentleman here, on this floor. I have no doubt that the President when he was before the people, did intend to do what he promised he would do, in the event of his election; but he found himself at the head of a party of unmanageable men, all viewing the individuals who had been in power as conquered enemies, and the offices which they filled as the spoils of the victors; his will could not be their law. I have some recollection of those who thronged this city before the inauguration, at the time and afterwards. They might well be described, by a slight alteration in the version of a portion of holy writ. “When the day of Pentecost was fully come, they were all (all who were office seekers) with one accord, in one place. The rush for office, was like the rushing of some mighty wind—all who spoke, (for offices) were Galileans, Parthians and Medes, and Elamites, and the dwellers in Mesopotamia, strangers of Rome, Jews and Proselytes. Sir, this house about that time was filled with these men; how they got on this floor, whether as privileged men, or reporters, I know not. I recollect reading an article in the Telegraph, by which it appeared that forty six printers waited upon the President, while he had rooms at Gadsby's, in one forenoon; they all came to the city, “long, lean, and lank,” and I do not know that one left it without an office or the promise of one. Sir, the President found that he could not redeem his pledge, he could not when in office accomplish what some of his friends were led to believe he would, when he was before the people struggling for an office; and we find in his first message an ingenious, an able argument, to justify his change of mind, an argument made for that purpose, if not for that, I know not for what. Offices, says, the President in his first message “were not established to give support to particular men, at the public expense; no individual wrong is therefore done by removal, since neither appointment to, or continuance in office, is matter of right. He who is removed, has the same means of obtaining a living, that are enjoyed by the millions who never held office.” Here we have a full length picture of the President's *reform*, a justification of the course he was compelled to take, after his succession to the presidential chair; and it has been ascertained that he removed more men, without any reference whatever, to the administration under which they received their appointments in the first six weeks succeeding the commencement of his administration, than were removed by all his predecessors, during the whole of their administrations. Sir, this new doctrine is consonant with the opinions of the gentleman from North Carolina; reform means, according to the common acceptation of the day, the turning out of office, men in office, and putting in their places political friends; for I have not yet heard of a political opponent being reformed into office. The only charge which the gentleman brings against the predecessor of Thomas McCrate, he held the office, from 1789 to the time, or shortly after General Jackson's inauguration. Yes, Sir, he was appointed by Washington, continued in office, by Adams, Jefferson, Madison, Monroe, and Adams; yet in the opinion of the gentleman from North Carolina, his long, and, I presume, faithful services, furnished an argument in favor of his removal; this must have been also the opinion of the President, for he was compelled to yield to the force of this besom of reform. Mr Speaker, great men sometimes differ on important questions.

Mr Madison, in his remarks on the removing power, uttered these memorable words:

"I contend that the wanton removal of meritorious offices would subject him [i. e., the President] to impeachment and removal from his own high trust." The Father of the Constitution also said, that, even if such conduct did not produce an impeachment before the Senate, "it would amount to an impeachment before the community."

Non nostrum tantas componere lites.

But another view of the President's first message, to show how easy, and I regret to say, how common it is, when out of place, to hold a language different from that which it is found convenient to adopt when in power: the President when before the people was opposed to the appointment of members of Congress to places of high trust and great emolument. Among his first acts after his inauguration, was the appointment of men of this description, all of course his ardent friends and active partizans. Mr Van Buren, who was a member of the Senate to the time of the election of President by the people, was appointed Secretary of State; Mr Berrien, a member of the Senate, Attorney General; Mr Branch, a member of the Senate, Secretary of the Navy; Mr Eaton, a member of the Senate, Secretary of War; and Mr Ingham, a member of the House of Representatives, Secretary of the Treasury. For this sudden change, which the President's mind had experienced, we find a further justification in the first message. The nature, (says he) of the judicial office, and the necessity of securing in the cabinet and in the diplomatic stations; men of the highest rank and political experience should except these (members of Congress) from the exclusion.

Here, then, is not only a full justification of what the president had, among his first acts, done, but a justification of what he shortly afterwards did do: the appointment of Mr Rives, Mr Moore, and Mr McLane, to foreign missions; and a justification, also, of what, perhaps, he would have done, if the judiciary bill had become a law, or any of the judges of the supreme court had been removed by death. Of all the remarks which the gentleman from North Carolina made, I was more surprised to hear him say that General Jackson, when before the people, made a pledge that, if elected, he would break down the "safe precedent rule," that of preparing the way, by the incumbent of the presidential chair, (a rule established by Mr Jefferson,) for the succession of the secretary of state to the presidency; intimating, although he did not say so, that in this, too, the president had redeemed the pledge which he had made. Sir, who is the man the president selected for the office of the secretary of state? Mr Van Buren. And to whom do the firm friends of the president look, as his successor? Mr Van Buren. Who is the man, whose selection for the place mentioned, as has been supposed by the great republican party, for the express purpose of making him the successor to the throne, has greatly divided that party? Mr Van Buren. Who is the man, whose continuance in office could only be interrupted, the season past, by causing a whole cabinet (with one exception) to flee the city? Mr Van Buren. And, sir, what does Mr Van Buren himself say, in regard to the causes of his vacating an office which he held under the present executive of the United States? Referring to the mode in which he had been assaulted, because his political friends had deigned to look upon him as the future president of the United States, and the attacks upon his character by those who had been his political friends, because he was the secretary of state, and was consequently looking to the presidency, for the purpose of preventing a disfranchisement, he found it, as he says, necessary to resign his office. Mr Van Buren was secretary of state; Mr Van Buren, if we are permitted to quote his own words, did think of the presidential chair; and the only question now remaining is, did the president intend to throw his mantle upon him?

If, sir, what transpired the season past could leave any doubts upon this subject, the dissolution of a cabinet, because Mr Van Buren found it necessary to leave Washington, lest he might be disfranchised, and recent occurrences will settle the question beyond all controversy. I would refer the house to the late correspondence between the president of the United States and the republican members of the New York legislature. If, by that correspondence, it does not appear that the president is determined to take Mr Van Buren upon his shoulders, and sink or swim with him, it is because I have not been able to understand it.

I must then ask the house, if it was the president's determination to break down this *line of safe precedent*, whether he has gone far in accomplishing what he had in view, and whether the gentleman from North Carolina has not been extremely unfortunate, in calling the attention of this house to that determination, when inviting the strictest scrutiny into all his acts, his reform, and his promises of reform.

One more remark, and I have done with this part of my argument and reply. Mr Van Buren was selected by the president for the office of secretary; he is now a candidate for the office of vice president of the United States, and has for that office the support of the devoted friends of the president, and the support of the president himself. Now, I would ask, if Mr Van Buren's submitting to become a candidate for the vice presidency is, or is not, disconnected with the wish, on his part, to become the president of the United States. If not, is then this wish a new concern with him, and one not entertained when secretary of state? If not when secretary, and before he was appointed to that office, is it not fair to presume the president knew what he aspired to, and selected him partly, in fact, in reference to his own ambition?

I must now pass on to an examination of the retrenchment made in the expenses of the government, since General Jackson was invested with the robes of office. It will be recollected that there was a committee of retrenchment raised by this house, under the late administration; and although a majority of the committee were unfriendly to that administration, they could find but little to do. The plea then was, an inability to act without the co operation of the president and heads of the departments. Mr Randolph declared, on this floor, that no reform or retrenchment could take place, until a change of the administration, whose aid was absolutely necessary: when General Jackson should come into office, all would be effected that could be desired; and a distinguished citizen of South Carolina, now the governor of that state, the chairman of the committee on retrenchment, concluded his final report by recommending the adoption of the following resolution: "Resolved, that this house has a right to expect that the executive will submit to Congress, at its next session, a comprehensive scheme of retrenchment, which shall extend to the lopping off of all useless offices, and to the securing of a more effective accountability in those which are retained." What has followed? This comprehensive scheme of retrenchment has never been submitted; the office of comptroller, found useless under the late administration, it is now found quite convenient to retain; the committee heretofore appointed has fallen into disuse, and hardly now exhibits the shadow of a name. How have the expectations of its former chairman been realized? Would that chivalrous gentleman, if he were now here, who, when a member of this house, as a man and a gentleman, was known but to be admired, named but to be praised; *cradled* in Rhode Island, although South Carolina was his native state; the friend of one who, when living, was the pride of Rhode Island, whose fame she fondly cherishes: would that gentleman say that all he confidently expected this administration would do, has been done? And would he now support an administration, which promised so much, and accomplish-

section quoted, and that of one which I call the attention of the House to, it will be seen that the framers of the Constitution for reasons which I think are obvious, intended to make every offence which a civil officer of the United States could commit under the colour of office, or connected with the discharge of the duties of his office, an impeachable offence, not for the mere purpose of depriving him of office, rendering him liable to punishment by the common laws of the land, but for the more important one, that of placing upon him the badge of infamy, and rendering him forever ineligible to office.

In the 2d section of the 4th article of the Constitution I find this language: "A person charged in any state with *treason, felony, or other crime*, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up to the State having jurisdiction of the crime." Here, sir, it will be seen that there is a limitation in the very language of the section, because for good reasons the framers of the Constitution thought it was necessary there should be one: the executive arm of one State cannot reach a fugitive from justice residing in another State, whose offence is a misdemeanor at common law. I have some knowledge of a serious correspondence between a governor of Rhode Island and a governor of Connecticut, the former claiming as a fugitive from justice a man who had committed an assault in Rhode Island and fled to Connecticut, and the latter refusing to surrender him, on the ground that the offence charged was not according to the classification of offences, treason, felony or other crime.

I have now another authority, the opinion of Judge Tucker, the annotator upon Blackstone's commentaries. In appendix to 4th volume, page 57, he says. "the Senate of the United States constitutes a court of impeachment, in which the President, Vice President and all the *civil* officers of the United States, may be impeached by the House of Representatives of the United States, and there tried for treason, bribery, or other crimes and misdemeanors." He cites a case and says, "On the trial of William Blount, formerly a Senator of the United States, for high crimes and misdemeanors who was expelled from the Senate after the impeachment was made known to the Senate; but before the articles of impeachment were exhibited, he pleaded by *his counsel*, that although true it was, that he was a Senator of the United States at the several periods in the articles of impeachment referred to, yet that he was not then a Senator; nor was he at the several periods so as aforesaid referred to, a *civil officer* of the United States; and that he was not in and by said articles charged with having committed any crime or misdemeanor in the execution of any civil office, held under the United States, nor with any mal-conduct in a civil office, or abuse of any public trust in the execution thereof—which plea was sustained by the Senate, and the impeachment was therefore dismissed January 14, 1799."

The question was taken and negatived upon two points 1. Whether a Senator of the United States is a civil officer? 2. Whether a Senator be impeachable for high crimes and misdemeanors committed by him while he is a Senator? On both questions there was a majority of 14 to 11.

The question in the case cited was whether a Senator of the United States was a *civil officer* of the United States, within the language of the 4th section of the 2d article of the constitution; it was decided, that he was not, and consequently that he was not liable to impeachment; but the whole of Blount's plea admits that if he was such civil officer, he was liable.

The gentleman from South Carolina, from some remarks which he made leads me to suppose that, in his opinion, punishments, according to law, must precede rather than follow impeachments, for offences committed by persons in and under colour of office; and he has informed the house that if the collector of Wiscasset is proceeded against in the courts of Maine, and there

It will be borne in mind, that I have disclaimed any intention of arraigning the administration, in the remarks I intended to submit; that, in entering into this debate, I had but one object in view, that of vindicating the rights of a citizen; but the gentleman from North Carolina has invited me to travel with him, and what I found on my way I have exhibited to the house. I have examined no documents, nor taken from the shelves any files of papers, to show how far the administration has accomplished what it was pledged to perform; but, while on the subject of diplomatic expenses, I will call the attention of the house to a statement, made in the other branch of the national legislature, not many days ago, a statement which has not, and will not be questioned.

THE EXPENSES OF DIPLOMATIC INTERCOURSE.

For 1828,	-	-	-	149,000	
For 1829,	-	-	-	137,500	
					<hr/>
Two years of Mr. Adams,	-	-	-		\$289,500
For 1830,	-	-	-	214,500	
For 1831,	-	-	-	210,000	
					<hr/>
Two years of Gen. Jackson,	-	-	-	424,500	
					<hr/>
					\$158,000

The appropriation now proposed for the same expenditures, in the year 1832, is 135,150, wanting but fifty thousand dollars of the whole sum appropriated for similar purposes in both the years 1828 and 1829.

The gentleman from South Carolina (Mr. Mitchell) must not be forgotten; he deserves at least a passing notice, and shall have one of that character, for it seems to have been his province to take upon himself the law argument of this question; and further, Sir, his common conclusion is, and in this he is joined by others, let our allegations be what they may, established or not, the administration of the executive, is a popular one, and his popularity is increasing.

I understood, Mr. Speaker, that gentleman to have distinctly stated, that the offence with which the Collector at Wiscasset was charged, was not an impeachable offence, and, therefore, the complaint ought to be dismissed; that if any offence had been committed, it was only a misdemeanor at common law, not committed by the collector in his official capacity, one for which he might be held to answer, in the state in which he resides, but one of which this body cannot take cognizance.—I propose to answer the gentleman, and in the first place, would refer the House to the 4th section of the 2d article of the Constitution of the United States, the first authority at this moment within my reach, and I think as good a one, as could be found.

“The President, Vice President and *all civil* officers of the United States shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and *misdemeanors*. Is the collector of Wiscasset a civil officer of the United States? And can it be doubted, as he was nominated by the President, and appointed by the President and Senate in the same way that the Chief Justice of the Supreme Court, or the Secretary of State was appointed. He was appointed under the authority of the United States to fill an office created by a law of the United States—and what further? The gentleman acknowledges the offence charged is a misdemeanor, be it so, does not the language of the Constitution of the United States extend to *misdemeanors* as well as crimes committed by civil officers? That it does, will not be denied by any one who can read and understand what he does read.

When, sir, we examine the marked difference between the language of the

House in relation to him. Under any aspect of this case, he will be found to be a very fortunate man: hold him to answer in the state tribunals, the plea there may be that he is an officer of the General Government, and proceedings against him must be instituted in the Courts of the United States. Proceed against him in those courts, and the prosecutor will be met with the mooted question, whether the courts of the United States have jurisdiction of common law offences. Suppose, Mr Speaker, that those courts take cognizance, of the offence, he is tried and convicted, by a writ of error, or by other process, the case is brought to the Supreme Court of the United States, who confirm the decision of the court below, would the collector even then be removed? he might not be. In the opinion of the President, the decision of the Supreme Court might be erroneous, the Chief Justice of which is old and superannuated, and the other justices, or a majority of them still liable, old as he is, to be influenced by the acts and opinions of the Chief Justice. It remains to be proved, whether the decision of that court recently made, is to be recognized by the President as the law of the land, and its mandate enforced. If the President has not, on all occasions, respected the decisions of a co-ordinate branch of the appointing power, what reasonable calculations can we make, on his respect for a co-ordinate branch of the government?—that he has appointed men to places of trust and emolument, whose nominations to the Senate were rejected by that body, and not by a mere party vote, is asserted by his political opponents, and not denied by any of his political friends. We have, the nation has the recorded evidence. Wharton Rector was twice nominated, for the place of Indian Agent, and twice was his nomination by that body rejected, and thrice it would have been, had his name been sent the third time to the Senate, for their consideration. Mr Stambaugh was nominated for a similar place, and his nomination was also rejected. Sir, to say nothing of Colonel Decatur, Gardner, and others who could not pass through the senatorial ordeal, and who are now in places of great profit, under the authorities of the United States, to say nothing of the superintendent of the Cumberland Road, continued in office, after the efficient officer appointed to investigate his conduct, declared him unfit for the office, the case referred to, by the gentleman from Ohio, Mr Stanbery when he addressed the house: where now are Rector and Stambaugh? Sir, a document before me will show where they have been, since their nominations were rejected by the Senate.

I call the attention of the house to a document before me, communicated the 12th of March last, and is a report from the Secretary of War, in relation to the employment of agents among the Indians for their removal &c. I find in page 4, the name of Wharton Rector, Agent, Arkansas Territory and Choctaw nation, west of the Mississippi river, amount of money received by him, two thousand three hundred dollars; his compensation, four dollars per day. In page 9 I find S. C. Stambaugh, employed from the 15th July 1830, to 3d March 1831, at Greenbay, compensation \$1500 per annum; amount of money disbursed, 11,415,77—amount remaining in his hands, 3,492, 84. In regard to which the Secretary of War adds:

“This balance arises out of the amount of an invoice of goods; \$3,553, 19 forwarded to him by Sugden, Jackson & Co. charged to Stambaugh, and for which no official evidence of delivery has, as yet, reached the department, although the Secretary of War has been informed of its deliverance to the Indians. After the 4th March, 1831, a suitable compensation will be allowed him for conveying the Indians who came to the seat of government under his guidance, back to their country, which compensation has not yet been determined; and after his arrival at Greenbay, he is allowed by the War Department, per letter of 23d April, 1831, \$5 per day, during the time he will be

engaged under the instructions given to him, in examining the lands, ceded between Lake Michigan and Greenbay."

The house now see where these two men are, and how they are employed; men whose nominations as Indian agents with a compensation of \$1500 per annum, were rejected by the senate, employed as sub-agents with a per diem allowance greater than their salaries would have been as agents. For the place now filled by one of these men, Mr Stanbaugh, so odious is he to the people of Pennsylvania, his native state, and where he is best known, I am authorised to say, by a member from that state, now in sight, for his place.

The recommendations of *Maj. Eriz*, were signed by 114 senators and members of the Pennsylvania legislature—whole number 133.—20 out of 26 members of this house, and both the senators—also the heads of the state departments of Pennsylvania.

I submit to the house, from the view taken, that the removal of the collector, might not follow his conviction before the state courts, or before the United States courts. No, sir, it might not follow, although the gentleman from South Carolina might make good his promise, and exhibit articles of impeachment against the president for not removing him. But, Mr Speaker, there is a power, not behind the throne, but greater than the throne itself, the exercise of which will remove an obnoxious officer: the power of this house, with that of the senate, sitting as a high court of impeachment, with whose acts the president cannot interfere, and whose decisions he cannot nullify. "He shall have power to grant reprieves and pardons for offences against the United States, *except in cases of impeachment.*"

I must now leave the law of the case to be disposed of by the house, knowing that, when I engaged in this controversy with the gentleman from South Carolina, I had to contend against fearful odds. I have fought with such weapons as were at hand, and with how much success, others must decide. There is one remark, made by the gentleman from South Carolina, which has been repeated by the gentleman from Maine, and by others, which is entitled to some notice, and to a reply. The common conclusion of these gentlemen is this: can the president do wrong? has he done wrong? has not his popularity increased, and is it not increasing? We are referred to this popularity, as the panacea for all our disorders, and the healing balsam of every wound. The gentleman from South Carolina points to the gentleman from Maine, (Mr EVANS,) and then significantly says, perhaps another Congress will have to mourn over his loss. An insinuation of this kind might have come with as good a grace from any other man as from this gentleman, who, from his first appearance here, has alternated, in the representation of his district, with some other good man, to the present time; who has, on more than one occasion, as I have been told, been indebted for his election to a few Yankee votes, whether lawfully or unlawfully cast has been sometime a matter of dispute. I do know, Mr Speaker, that, at the last senatorial election in his district, his political friend succeeded by a majority of only five votes, over the nullification candidate, Col. Middleton, a gentleman I saw last summer in the place where I reside, taking necessary steps to prove that a greater number than this was illegal votes. Perhaps the gentleman has not been informed that, although he might have slain his five Richmonds, another is in the field; and, when he extends his views to the next Congress, the gentleman from Maine may say, "Weep not for me, but rather weep for yourself."

But General Jackson's popularity has increased, and is increasing. It is well known that he came into office for reasons, which I will not now assign; but, suffice it to say, because he promised much, and many things were expected by some who did not expect offices, by an overwhelming majority, that as soon as he came into power, and put on the robes of office, he found

flocking to his standard all those who, from principle, give to the incumbent of office a reasonable support; he found in his train all the eleventh-hour men; all who, during the late campaign, were on the fence, and in some places are called fence men; all who wanted to get offices; all who wanted to hold the offices they had, and were willing to make a sacrifice of any kind to effect this, all the expectants, and all their friends. Add to these considerations, and the enumeration made, the strong inclination in the mind of almost every one, to worship the rising sun, and the few, the very few cases of men bowing to one whose race is run, to me the wonder is not that his popularity has increased, but the greater wonder is, that there should be found against him a strong organized opposition. How does the case of General Jackson now stand, compared with that of the late venerable ex-president Monroe; when he was first elected president, he came into office against strong opposition; but he was re-elected with but one dissenting voice, in all the electoral colleges in the United States, and that one in the granite state, New Hampshire. Does the most sanguine of the president's friends expect such an unanimity in his behalf, at the next election. Sir, of what difference is it to the great mass of the population of this country, whether one man or another fills the presidential chair, if both are equally well qualified to discharge the duties of the office, and equally disposed to administer the government in the spirit and according to the letter of the constitution? They are indifferent, are disposed, and, in the case supposed, do yield to the man in office an honest, zealous, and efficient support. Demagogues may, for obvious reasons, have a personal preference; but a greater part of the people of this country have none. Sir, a review of the states as they now are, and I assure the house that I will march with a quick pace, will satisfactorily shew how far the president's popularity has increased. Great credit is claimed in consequence of his increased popularity in the state of Maine; but, in that state, at present, there is but a little of which the administration can be justly proud; and when the people of Maine find, if they have not already found, that all which was promised to result from the arrangement of the West India trade, has not been realized, that their situation, instead of having been made better, has actually been made worse; that the best mode of settling a dispute, about a boundary line, is not in the sale of half or more of their territory, the changes in that state will be of a character not gratifying to the executive, or his political friends. Since this debate began, a little light from the east has reached us; and if, like the gentleman from South Carolina, I could indulge in prophecy, I would say that, at the next Congress, the gentleman from that state, now near me, (Mr EVANS,) would not be the only spared monument of Maine as she was, and Maine as she should be.

When I come to the granite State, (New Hampshire) I must admit that there has been a change, the President here is more popular than he was three or four years ago. I confess, sir, I have found great difficulty in attempting to account for this change. My first impression was that although the schoolmaster was abroad in the land, with the spelling book and testament in his hands, he had not been into the granite State, had not visited all parts of it, or had not remained in it but a very short period of time. But when I see her distinguished delegation on this floor, this impression is at once removed; when I reflect that this State can point to almost every State in the Union, to many of the departments of government, and say behold here my jewels, I can not for a moment entertain the belief that the schoolmaster has not visited this State, and must leave it by saying, to me the change is unaccountable. Vermont although somewhat infected with anti-masonry, and she would have been less infected, if that body of men had been differently treated, is sure and steadfast Massachusetts, although troubled with the same infection, although she has divisions arising from local

causes, and although in that State there is a party composed of office-holders and office seekers, and their respective friends as there always has been, and perhaps always will be, in favor of the President for the time being, the administration cannot point to any change at which they can well rejoice. In taking leave of this State, as well as I like her politics, I should like her policy better, if she would surrender to Rhode Island a small strip of land which she claims, but twenty-two miles long and four wide; small as it is, as the State from which I come is but forty-seven miles long and thirty-seven wide, and of the small quantity of land which we have, one half of that land is covered water, it would be very desirable—to use a very common phrase for which the House will pardon me, an inch in a man's nose is very considerable—that we shall recover this strip of land, whose inhabitants will be desirable when another apportionment is made, if the Supreme Court should not be dissolved, I have no doubt; but then the expenses of the law suit we are anxious to avoid; if the Supreme Court should be dissolved, there is another court to which we can resort, not a court of *oyer* and *terminer* but rather a court of *terminer* and *oyer* denominated in a debate a few days ago, the *ultima ratio regum* court. In this court call it what you will we shall be fairly heard, and I have no doubt as to its decision. The election in Connecticut now just over shows there has been no increase of the popularity of the President there, but rather the reverse. There is in that State, a small quantity of timber recently cut, and yet unseasoned, which a majority of the people is willing to ship, and make the gentlemen of North Carolina and South Carolina leading administration men in this House, consignees of the cargo. I am told by the gentleman from Maine, (Mr. Jarvis) not to forget Rhode Island, I will not, she will forget me long before I can forget her. Well, sir, what shall I say of Rhode Island? nothing but what is true. We have divisions from local causes; there are in that State more than one hundred, perhaps nearly two hundred, who hold offices under the general government, most of them small offices, but even “little things are great to little men;” we have twice that number who expect these offices, take then the office-holders and office expectants, and add to the number their respective friends, you will find a heavy percentage of the legal voters and most of the friends of the present administration. I have observed, Mr. Speaker, by the administration papers abroad, let our divisions be what they may, the minority on every question, if it be a respectable one, is claimed by the friends of the executive. Not long ago, the inhabitants of the largest town in Rhode Island, and second to but one in New England, were much divided on the question of applying to the legislature for a city charter, the minority and a very respectable one too, was claimed by the administration papers for the administration. As well might they have claimed the minority on another question which was discussed in another town in that State, a question of mere municipal regulation, whether geese should be suffered to run at large in the summer season.

Whether the popularity of General Jackson has increased in Rhode Island, since his election, may be tested by a reference to the popularity of men who have never shown any attachment to him, in or out of office, who are and always have been found in opposition to the man and his measures. Perhaps I overrate the popularity of one of the Rhode Island delegation; but I think I do not, when I say that at this time he possesses a greater share of it than he ever before enjoyed, and that his popularity now, is greater than that ever before possessed by any man in his state, and no one will pretend that my colleague has ever shewn any predilections for the executive of the United States: more fortunate than I have been, no suspicion was ever entertained that he had any. If any member of this house, at any time wants to raise a storm, he need not do more than say in his place, *there* *is* *an* *office* *holder* *and* *office* *seeker* *and* *their* *respective* *friends* *as* *there* *always* *has* *been* *and* *perhaps* *always* *will* *be* *in* *favor* *of* *the* *President* *for* *the* *time* *being* *the* *administration* *cannot* *point* *to* *any* *change* *at* *which* *they* *can* *well* *rejoice* *In* *taking* *leave* *of* *this* *State* *as* *well* *as* *I* *like* *her* *politics* *I* *should* *like* *her* *policy* *better* *if* *she* *would* *surrender* *to* *Rhode* *Island* *a* *small* *strip* *of* *land* *which* *she* *claims* *but* *twenty-two* *miles* *long* *and* *four* *wide* *small* *as* *it* *is* *as* *the* *State* *from* *which* *I* *come* *is* *but* *forty-seven* *miles* *long* *and* *thirty-seven* *wide* *and* *of* *the* *small* *quantity* *of* *land* *which* *we* *have* *one* *half* *of* *that* *land* *is* *covered* *water* *it* *would* *be* *very* *desirable* *to* *use* *a* *very* *common* *phrase* *for* *which* *the* *House* *will* *pardon* *me* *an* *inch* *in* *a* *man's* *nose* *is* *very* *considerable* *that* *we* *shall* *recover* *this* *strip* *of* *land* *whose* *inhabitants* *will* *be* *desirable* *when* *another* *apportionment* *is* *made* *if* *the* *Supreme* *Court* *should* *not* *be* *dissolved* *I* *have* *no* *doubt* *but* *then* *the* *expenses* *of* *the* *law* *suit* *we* *are* *anxious* *to* *avoid* *if* *the* *Supreme* *Court* *should* *be* *dissolved* *there* *is* *another* *court* *to* *which* *we* *can* *resort* *not* *a* *court* *of* *oyer* *and* *terminer* *but* *rather* *a* *court* *of* *terminer* *and* *oyer* *denominated* *in* *a* *debate* *a* *few* *days* *ago* *the* *ultima* *ratio* *regum* *court* *In* *this* *court* *call* *it* *what* *you* *will* *we* *shall* *be* *fairly* *heard* *and* *I* *have* *no* *doubt* *as* *to* *its* *decision* *The* *election* *in* *Connecticut* *now* *just* *over* *shows* *there* *has* *been* *no* *increase* *of* *the* *popularity* *of* *the* *President* *there* *but* *rather* *the* *reverse* *There* *is* *in* *that* *State* *a* *small* *quantity* *of* *timber* *recently* *cut* *and* *yet* *unseasoned* *which* *a* *majority* *of* *the* *people* *is* *willing* *to* *ship* *and* *make* *the* *gentlemen* *of* *North* *Carolina* *and* *South* *Carolina* *leading* *administration* *men* *in* *this* *House* *consignees* *of* *the* *cargo* *I* *am* *told* *by* *the* *gentleman* *from* *Maine* *(Mr. Jarvis)* *not* *to* *forget* *Rhode* *Island* *I* *will* *not* *she* *will* *forget* *me* *long* *before* *I* *can* *forget* *her* *Well* *sir* *what* *shall* *I* *say* *of* *Rhode* *Island* *nothing* *but* *what* *is* *true* *We* *have* *divisions* *from* *local* *causes* *there* *are* *in* *that* *State* *more* *than* *one* *hundred* *perhaps* *nearly* *two* *hundred* *who* *hold* *offices* *under* *the* *general* *government* *most* *of* *them* *small* *offices* *but* *even* *“little* *things* *are* *great* *to* *little* *men;”* *we* *have* *twice* *that* *number* *who* *expect* *these* *offices* *take* *then* *the* *office-holders* *and* *office* *expectants* *and* *add* *to* *the* *number* *their* *respective* *friends* *you* *will* *find* *a* *heavy* *percentage* *of* *the* *legal* *voters* *and* *most* *of* *the* *friends* *of* *the* *present* *administration* *I* *have* *observed* *Mr. Speaker* *by* *the* *administration* *papers* *abroad* *let* *our* *divisions* *be* *what* *they* *may* *the* *minority* *on* *every* *question* *if* *it* *be* *a* *respectable* *one* *is* *claimed* *by* *the* *friends* *of* *the* *executive* *Not* *long* *ago* *the* *inhabitants* *of* *the* *largest* *town* *in* *Rhode* *Island* *and* *second* *to* *but* *one* *in* *New* *England* *were* *much* *divided* *on* *the* *question* *of* *applying* *to* *the* *legislature* *for* *a* *city* *charter* *the* *minority* *and* *a* *very* *respectable* *one* *too* *was* *claimed* *by* *the* *administration* *papers* *for* *the* *administration* *As* *well* *might* *they* *have* *claimed* *the* *minority* *on* *another* *question* *which* *was* *discussed* *in* *another* *town* *in* *that* *State* *a* *question* *of* *mere* *municipal* *regulation* *whether* *geese* *should* *be* *suffered* *to* *run* *at* *large* *in* *the* *summer* *season* *Whether* *the* *popularity* *of* *General* *Jackson* *has* *increased* *in* *Rhode* *Island* *since* *his* *election* *may* *be* *tested* *by* *a* *reference* *to* *the* *popularity* *of* *men* *who* *have* *never* *shown* *any* *attachment* *to* *him* *in* *or* *out* *of* *office* *who* *are* *and* *always* *have* *been* *found* *in* *opposition* *to* *the* *man* *and* *his* *measures* *Perhaps* *I* *overrate* *the* *popularity* *of* *one* *of* *the* *Rhode* *Island* *delegation* *but* *I* *think* *I* *do* *not* *when* *I* *say* *that* *at* *this* *time* *he* *possesses* *a* *greater* *share* *of* *it* *than* *he* *ever* *before* *enjoyed* *and* *that* *his* *popularity* *now* *is* *greater* *than* *that* *ever* *before* *possessed* *by* *any* *man* *in* *his* *state* *and* *no* *one* *will* *pretend* *that* *my* *colleague* *has* *ever* *shewn* *any* *predilections* *for* *the* *executive* *of* *the* *United* *States* *more* *fortunate* *than* *I* *have* *been* *no* *suspicion* *was* *ever* *entertained* *that* *he* *had* *any* *If* *any* *member* *of* *this* *house* *at* *any* *time* *wants* *to* *raise* *a* *storm* *he* *need* *not* *do* *more* *than* *say* *in* *his* *place* *there* *is* *an* *office* *holder* *and* *office* *seeker* *and* *their* *respective* *friends* *as* *there* *always* *has* *been* *and* *perhaps* *always* *will* *be* *in* *favor* *of* *the* *President* *for* *the* *time* *being* *the* *administration* *cannot* *point* *to* *any* *change* *at* *which* *they* *can* *well* *rejoice* *In* *taking* *leave* *of* *this* *State* *as* *well* *as* *I* *like* *her* *politics* *I* *should* *like* *her* *policy* *better* *if* *she* *would* *surrender* *to* *Rhode* *Island* *a* *small* *strip* *of* *land* *which* *she* *claims* *but* *twenty-two* *miles* *long* *and* *four* *wide* *small* *as* *it* *is* *as* *the* *State* *from* *which* *I* *come* *is* *but* *forty-seven* *miles* *long* *and* *thirty-seven* *wide* *and* *of* *the* *small* *quantity* *of* *land* *which* *we* *have* *one* *half* *of* *that* *land* *is* *covered* *water* *it* *would* *be* *very* *desirable* *to* *use* *a* *very* *common* *phrase* *for* *which* *the* *House* *will* *pardon* *me* *an* *inch* *in* *a* *man's* *nose* *is* *very* *considerable* *that* *we* *shall* *recover* *this* *strip* *of* *land* *whose* *inhabitants* *will* *be* *desirable* *when* *another* *apportionment* *is* *made* *if* *the* *Supreme* *Court* *should* *not* *be* *dissolved* *I* *have* *no* *doubt* *but* *then* *the* *expenses* *of* *the* *law* *suit* *we* *are* *anxious* *to* *avoid* *if* *the* *Supreme* *Court* *should* *be* *dissolved* *there* *is* *another* *court* *to* *which* *we* *can* *resort* *not* *a* *court* *of* *oyer* *and* *terminer* *but* *rather* *a* *court* *of* *terminer* *and* *oyer* *denominated* *in* *a* *debate* *a* *few* *days* *ago* *the* *ultima* *ratio* *regum* *court* *In* *this* *court* *call* *it* *what* *you* *will* *we* *shall* *be* *fairly* *heard* *and* *I* *have* *no* *doubt* *as* *to* *its* *decision* *The* *election* *in* *Connecticut* *now* *just* *over* *shows* *there* *has* *been* *no* *increase* *of* *the* *popularity* *of* *the* *President* *there* *but* *rather* *the* *reverse* *There* *is* *in* *that* *State* *a* *small* *quantity* *of* *timber* *recently* *cut* *and* *yet* *unseasoned* *which* *a* *majority* *of* *the* *people* *is* *willing* *to* *ship* *and* *make* *the* *gentlemen* *of* *North* *Carolina* *and* *South* *Carolina* *leading* *administration* *men* *in* *this* *House* *consignees* *of* *the* *cargo* *I* *am* *told* *by* *the* *gentleman* *from* *Maine* *(Mr. Jarvis)* *not* *to* *forget* *Rhode* *Island* *I* *will* *not* *she* *will* *forget* *me* *long* *before* *I* *can* *forget* *her* *Well* *sir* *what* *shall* *I* *say* *of* *Rhode* *Island* *nothing* *but* *what* *is* *true* *We* *have* *divisions* *from* *local* *causes* *there* *are* *in* *that* *State* *more* *than* *one* *hundred* *perhaps* *nearly* *two* *hundred* *who* *hold* *offices* *under* *the* *general* *government* *most* *of* *them* *small* *offices* *but* *even* *“little* *things* *are* *great* *to* *little* *men;”* *we* *have* *twice* *that* *number* *who* *expect* *these* *offices* *take* *then* *the* *office-holders* *and* *office* *expectants* *and* *add* *to* *the* *number* *their* *respective* *friends* *you* *will* *find* *a* *heavy* *percentage* *of* *the* *legal* *voters* *and* *most* *of* *the* *friends* *of* *the* *present* *administration* *I* *have* *observed* *Mr. Speaker* *by* *the* *administration* *papers* *abroad* *let* *our* *divisions* *be* *what* *they* *may* *the* *minority* *on* *every* *question* *if* *it* *be* *a* *respectable* *one* *is* *claimed* *by* *the* *friends* *of* *the* *executive* *Not* *long* *ago* *the* *inhabitants* *of* *the* *largest* *town* *in* *Rhode* *Island* *and* *second* *to* *but* *one* *in* *New* *England* *were* *much* *divided* *on* *the* *question* *of* *applying* *to* *the* *legislature* *for* *a* *city* *charter* *the* *minority* *and* *a* *very* *respectable* *one* *too* *was* *claimed* *by* *the* *administration* *papers* *for* *the* *administration* *As* *well* *might* *they* *have* *claimed* *the* *minority* *on* *another* *question* *which* *was* *discussed* *in* *another* *town* *in* *that* *State* *a* *question* *of* *mere* *municipal* *regulation* *whether* *geese* *should* *be* *suffered* *to* *run* *at* *large* *in* *the* *summer* *season*

colleague is friendly to this administration. My popularity is like the religion and philanthropy of the orator of Roanoke. I have none to speak of. In turning our eyes to the great state of New York, we look in vain for the President's increased popularity. Lord Kaims, in his theory of the beautiful and sublime, recommends, I think, the ascending series as the most agreeable; but in examining cursorily the parties in that state, in justice to my venerable friend now near me, (Mr Roor) I think myself fully warranted, in taking what, in many respects, and by many persons, may be called the descending order. In the first place then, we find there, a party called the democrat's party, who in the language of one of the New York Journals, is fighting on his own hook, and who knows, or is now prepared to say, that by hook or by crook, he will not fight successfully; then comes the Clay, or National Republican party, next the Antimasonic party, and last, and as many will say, not least, the Albany Regency, or the old Republican party.

Now, Mr Speaker, with a view to all these parties, who can confidently calculate on the electoral vote of the great state of New York, at the next presidential election? At the last election, General Jackson received a majority of the electoral votes of that state—that some parts of the same are doubtful, and so considered by the party in power, is fairly inferable from the alteration which they have made in the law for choosing electors of President and Vice-President.

New Jersey, although slow to act, generally complies with the requisitions which are made upon her. In Pennsylvania the struggle appears to be between her love for Cæsar and for Rome, or as the great English premier, Mr Canning once said, between her attachment to the King and attachment to the kingdom. Delaware, this little state, the lowness of whose stature is wonderfully supplied by the loftiness of her soul, true as the needle to the pole. Maryland—if in other states

“The dawn is o’er cast, the morning lowers,
And, heavily, in clouds, brings on the day,”

here the faithful sentinel cries aloud “All’s well.” In Virginia of what can the administration boast? Mr Randolph in one of his communications last fall, spoke no doubt the sentiments of that state, when he said he should support the re-election of General Jackson, not because he liked or thought him qualified for the office, but because he could not have the man he wanted, and he was better than some men he disliked more.” Most extreme enthusiasm, this, sir—this compulsory choice between confessed evils. North Carolina, although not well pleased with the conduct of the President towards one of her distinguished sons, is, as she has been, her attachments not increased, and perhaps not diminished. What shall we say of the President's native state, S. Carolina; surely, sir, it will not be said, that his popularity is increasing in this state, a state swinging from her moorings, dragging her anchors, her experienced seamen in their proper stations, with sharpened axes in their hands, listening for the words, which are, perhaps, now trembling from the lips of their commander, *Are you ready—cut away!* Heart rending as the apprehended separation will be, if South Carolina enforce the common law doctrine of allegiance and expatriation, when she does secede, there are some portions of this Union which will, with an assurance that this will be done, consider the horrors of separation in a great degree alleviated. As to Georgia, her course will depend, and well do gentlemen know it on circumstances yet to arise, and Alabama will follow in her wake. It will not be pretended that the President's popularity has increased in Mississippi, for her representative on this floor has declared that he belongs to no party, he cannot consequently be a Jackson man; and judging from some of his votes, especially one, I should suppose that in fact he did belong to no party. How been since the President's invincible popularity in Louisiana, the especial theatre troubled with the sn...

of his glory—*ecce signum!* View the venerable patriot and his distinguished colleagues. Look, sir, at the living proof of the President's popularity in the hero not of one war—not of two wars but of three or four, and still enough of the *amor patriæ* left to prompt him to engage, when his country calls, in half a dozen more. In Missouri and Illinois, if the tree is to be judged by its fruit, we should suppose that there is but little of which the President or his friends can boast in either of those States—the two representatives from these States are any thing but party men; although any party might justly be proud of them, and any party composed of such men might well be tolerated in any country.

In Kentucky and Ohio the administration has gained nothing, and those opposed to it have much to hope for. Of Indiana, I would say something, if I knew any thing—from Tennessee, we have a voice, not a still small one, but one loud enough and strong enough, sometimes, in all conscience. Shall it be said, "the lion has been bearded in his den," and that the attack has been made upon "Douglass in his hall?" This, I think, must be conceded; and the greatest proof that could be given of the popularity of my friend Mr Arnold in his own district, is furnished by the legislative act of Tennessee repealing the law regulating the choice of electors; substituting a choice by general ticket for that by districts. This does not look much like increased popularity near home. From this review, no one will conclude that in the aggregate, the President's popularity has received any increase. As, however, he is in many things more fortunate than any of his predecessors have been, is all things to all men, why should it not have increased? With federalists, the President is to destroy all the political distinctions which heretofore have existed; with democrats, the man who is to restore the Republican family to what it was in the days of Jefferson; in Pennsylvania in favor of the tariff and internal improvements; in South Carolina opposed to both, as we learn from the gentleman from that State, (Mr Mitchell) and determined to bring the revenue down to the wants of the government—if every wind is a fair wind, and every breeze is, to him, a pleasant breeze. Why, I again ask, should he not be a popular President, and why should not his popularity increase?

[Here Mr. Mitchell rose and said he had been misrepresented, as he had not said the President was opposed to the tariff and internal improvements.]

I certainly, said Mr. Pearce, understood the gentleman to have said so, and if he is not, how can that gentleman support him or his administration? but if more agreeable to the gentleman from South Carolina, let it still be understood to be a question, *sub judice*.

I have never been able satisfactorily to account for the President's decreased popularity in those portions of the country where he is the best known. In his own State, in this District, in the city of New Orleans—many gentlemen now on this floor, sent here by their constituents, under pledges the most solemn to support this administration, are found to be lukewarm, or in opposition to it—*procul a Jove, procul a fulmine*. Is the President like hills upon a turnpike, apparently the greatest when viewed as a distant object, or like objects which are magnified by the fog and mist through which they are seen? Is it because at home the people see through a glass darkly—here the Representatives see him, face to face, at home the people know in part; but here these representatives of the people have full knowledge? It is my business, Mr Speaker, to speak of facts, let it be the province of others to assign causes. It is true that with a very decided majority in both branches; the wheels of government could not move without the aid and support of those who belong to what is called the opposition. Not intending any application, whatever, is the popularity of the head of an administration the conclusive evidence of the correctness of the course of that administration? Cæsar was popular in

til he passed the 'Rubicon, Pisistratus was popular when he first entered Athens, continued so until he was banished, was popular when he returned to that city from banishment. Bonaparte's popularity continued until the allied armies entered the city of Paris.

The gentlemen from Maine, (Mr. Anderson) asks the House if there ever was before such an application as this? To answer his own question he tells us that in his examination he has gone back twenty years. I do not know that there ever was such an application as this. I do not know that there ever was such a man as Thomas McCrate; and the gentleman has many constituents, different, it is to be hoped, if he has correctly described them from the rest of mankind. He has entertained the House with an account of those who were attached to the custom house at Bath, and those who wished to be attached to it, their crimes, their frauds and peculations. I heard something of those men under the late administration, and that of Mr. Monroe. They satisfied all that many of them had been guilty of that which was but a little short of high treason, sailing in time of war under British licenses, trading with the enemies of the country, giving them aid and comfort. Why the gentleman should have such constituents I know not—evil communications corrupt good manners. The people of Maine have had bad neighbors; during the late war one third of the State was in the possession of the enemy, and the whole of the District represented by one gentleman who has rendered himself quite conspicuous by the part he has taken in this debate, (Mr. Jarvis) and so continued until the war ended, although General King, just before the conclusion of the war, was about to organize an armed force to recapture it. All who remained in possession of the conquered territory were required, I think, by a proclamation of Sir George Prevost, to take the oath of allegiance to the British crown. The gentleman who is now a patriot of the first order, can inform the House, when he gets the floor, whether he took that oath. Perhaps, Mr. Speaker, as the people of Maine have for years had a disputed line, they have been occasionally, or some of them on the other side of the real line, when they thought themselves on this. But from what I have seen in one of the newspapers of this city, this morning, we may hope for better things in the State of Maine:

*"For sale—*A large and valuable tract of land, lying on the northeastern part of the State of Maine. Said tract is well wooded, watered, and cultivated, abundantly stocked with timber, game, fish and inhabitants; which last will be sold separate, or included under the general head of game, at the option of the purchaser. The above mentioned tract has, for some time past, annually produced a member of the State Legislature, who will be sold with the timber or fish, as may be agreed on at the time and place of sale. The two first named articles will be sold very cheap for cash; the land will likewise be disposed of for cash, or exchanged for territory in Mokahika, the Moon, or the Land of Nod; it is a matter of perfect indifference to the subscribers which. Sale positive, to commence as soon as the subscribers have finished their morning's bitters. No postponement on account of the weather."

How vague the charge made by the collector against the inspector, how easily made, and how great the injustice, when sentence is passed, before the party accused knows that complaint is made against him! Perhaps, sir, in these days, since the establishment of temperance societies—societies which, I am happy to say, have been productive of, and are continuing to do, great good—no two men would agree in their ideas of intemperance. The totally abstemious men would call him, who drank but once a year, an intemperate man. This inspector might have been on but one occasion, and this investigation sought for might show it, a little excited; and this, in consequence of great exertions at a town meeting, made to sustain the cause of men now in power; in his excess of zeal, "he threw up his greasy cap," and cried.

Hurra! hurra!—I will not here say for whom. The collector's friends saw him; some of those, and the friends of those, who wanted his office. They all swear that they had seen him when he was over-excited with liquor. None of them fix the time, or place, and apparently the instances are as numerous as the witnesses are, who all saw but the one improper act. The testimony is transmitted to the treasury department, and the man is there recorded a confirmed drunkard. If this be the mode in which the administration uses its friend, what has its enemies a right to expect? I am able, upon the authority of a member of this house, to cite as strong a case of injustice done an individual as can be adduced; a case showing, at the same time, the facility with which misrepresentations can be made, and the difficulty attending the detection of those who make them. A Mr Griffin, until very lately, was inspector of the port of New London; always reputed to be a good officer, a moral, exemplary man, and ardently attached to this administration. It was, however, found necessary to provide for a Mr Muzzy, who was not long ago before the senate, and whose nomination could not pass the ordeal of that body. Griffin, not knowing that any complaint was made against him, conscious that there was no good cause for any, found, unexpectedly, himself removed, and Mr Muzzy put in his place. When removed, he went to the collector for the cause of the removal. The collector declared that he knew of none, but thought that some person might have slandered him, by representing him an intemperate man, or something of that kind. Mr Griffin procured the best testimony that the town and state, in which he lived, furnished, shewing that there was hardly a man living less obnoxious to such a charge. It was sent to the treasury department, and it was subsequently ascertained that this collector, who avowed his utter ignorance of the cause of his removal, was the assassin who stabbed his reputation. The gentleman from Maine may well say, there are more charges in the different departments, against men removed, than they have any knowledge of.

There is something peculiar in the character of many of the friends of this administration. They remind me of the Leming, an animal described in Goldsmith's *Animated Nature*; their march is in the right line of destruction; they destroy every opposing object, and then turn round and commence the work of destruction upon one another.

Sir, give to the president all the popularity his friends have claimed, if it be acquired exclusively by the appointment of his friends to offices, and sustained by levying contributions upon those in office, wresting from them a part of their emolument, for party purposes; by subsidizing presses in every part of the country—is it a popularity of which he ought to be proud? It will not last long, although it may last as long as the government itself. It will be found dancing in the wind; “shaking its wings, it will not stay;” and the sooner the better it will be for him, “he puffs the prostitute away.” Sir, every friend of this administration, every friend of our common country, every man proud of the institutions of our country, and attached to its laws, has a deep interest in giving to this investigation its broadest and most extensive range. If the charges be not true, they should be repelled, and the administration and government should be vindicated. There may not be any foundation whatever for any of the rumors in circulation, in regard to the officers of the customs in different parts of the country. I do not know that there is; but, to show that others think differently, it is only necessary to call the attention of the house to what is also found in the *Intelligencer* of this morning:

“With regard to the allegation made by the inspector against the collector at Wiscasset, we have abundant reason to believe that the corrupt act complained of, is by no means peculiar to *that* collector. We are satisfied that

we have good and substantial grounds for declaring that many of the holders of subordinate posts in the principal custom-houses throughout the Union, are compelled in like manner to contribute a *pro rata* amount of their respective salaries, for electioneering purposes, and for other matters tending to sustain the party. They are commonly given to understand, prior to their appointment, that an agreement to such contribution must be a condition-*precedent*. Upon these terms, and ~~sometimes even with an express~~ pledge on their part, they go into office; and should they ever subsequently kick at the arrangement, as in the Wiscasset case, dismissal from employment is the threat or the punishment. And further than this, it is also required of all such subordinates as have brains, to devote their leisure time to the composition of party-paragraphs for the administration presses. Much of the editorial matter of the leading Jackson prints in the seaports is obtained in this manner; and from this source most of the 'public indignation' recently manufactured has been drawn.

"Should the subject of the Wiscasset collector go to a committee of inquiry we recommend to them the examination of some of the subordinate officers in the Boston custom house, relative to an attempt, which was partially successful, to extort moneys for the payment of interest on notes due from the holder of a certain fat office in that city, to the collector of that port. A meeting of the office-holders was held on that occasion, whereat a committee was chosen to *doom* each to the payment of a certain sum, in proportion to the amount of his official income; and each was directed to deposite the same, in a certain bank in that city, to the credit of the individual thus proposed to be relieved from a portion of his alleged *great sacrifices* to secure the election of Andrew Jackson. Let the records of the treasury department, and its correspondence, be also overhauled for evidence touching this transaction. That what we have thus far stated are facts, no one will dare to deny; but on a representation thereof to Mr Ingham, we are led to believe that a stopper was put upon the intended extortion, amounting to about ten per cent on the salaries and fees of office; and that some who had already paid in their instalments, were afterwards told that the tax would be remitted. This occurred upwards of a year since."—*N. Y. Evening Journal*.

I am authorized to say, by the editor of the Telegraph, (and that he can prove what he authorizes me to say, by a gentleman now in this city, who was present at the meeting,) that, last summer, the proprietor and editor of the Globe, the organ of the administration in this city, went to the city of New York; a meeting of the officers of the of the customs was called, and the sum of two thousand dollars raised for the benefit of that paper, by contributions which were levied upon them.—[Here Mr PEARCE was requested, by Mr SPEIGHT and Mr THOMPSON, to state again what he said, which he did, adding that he was not sure that he was told the meeting was composed exclusively of those who were custom-house officers; but sure he was that he was told it was composed of those who held offices under the authorities of the United States. Mr SPEIGHT requested him to name the man who was present at the meeting, and asked if it was not Clement. Mr PEARCE said he could not name the man; he never asked his name, and did not know it; that the editor of the Telegraph would give the gentleman from North Carolina any information he wanted, and to him he would refer him.]—Sir, I do recollect that a charge somewhat like this, which the gentleman may have read, was made in the Telegraph last summer; and what surprised me more, at the time, was, that, although the editor of the Globe evaded the force of it, he did not declare it to be entirely destitute of truth. But recollect that I charge no one; I speak of things known to exist, and said to exist; and my great object is to convince the friends of the administration that they ought not to stop this investigation. Innocence has nothing to fear; but if, from any cause

or from any consideration, the guilty should escape, and, more especially, from an unwillingness on our part to authorize the proper investigation of the offences which, in the opinion of many, have been committed, upon any reasonable calculation, will offences hereafter be less frequent?

I adjure gentlemen to let the investigation go on. All these rumors, which have been referred to, will, as on eagles' wings, fly from one part of this country to the other; and in justice, not only to the accused, but to those who may be suspected, it should go on. Cambyzes' judges said, though there was a written law, Persian kings follow their own will. But, in this government of equal law, there are none above it, and none so low as not to be affected by it.

I must now, Mr Speaker, after having, as I very well know, detained the house too long, conclude my remarks; but, for the time I have consumed in this discussion, some apology will be found in the course given to this debate, not by me, but by those who preceded me. I have entered into it with no disposition to charge or criminate, with no feelings of acrimony or unkindness towards any one; and all will bear witness that the discussion, on my part, has been in perfect good nature. I have found it more agreeable to laugh than to weep. I have used the weapons of warfare, sanctioned by parliamentary usage. Ridicule is one that has ever been considered lawful, to wit I have no pretensions; and, if I had, it would come uncalled for, if it come at all, and would be according to the best definition ever given of it, the spontaneous effusions of a mind at ease.

I considered this discussion and this debate involving one of the sacred and fundamental principles of our government, that the right to petition was in this country as sacred and as important to the citizens as the Great Writ of Right, a writ which has not been in England for the last one hundred and fifty years, notwithstanding all the storms and hurricanes of strife, convulsions and wars of every kind that country had experienced, suspended for more than three or four times, and then, in the emphatic language of Sir William Blackstone, the people of England parted with their liberties for a moment that they might be enjoyed forever. Let these principles be cherished, let them be held inviolate, and there will be hope even beyond the grave of the liberty we now enjoy; the sun of our glory may go down, but these principles cherished, they will be the magic stone retaining the rays of that sun, after it has sunk beneath the horizon: other governments may rise from the ruins of those which have fallen; the sun of American freedom may shine with increased effulgence, and the Western Hemisphere continue to be an asylum for the oppressed throughout the globe.—But these principles abandoned or neglected here as in Rome, but a poor consolation will be derived from the reflection,

"That Cato lived, and Tully spoke:
Brutus dealt the godlike stroke."

For what Rome now is, we shall be.

The inspector has not remaining, like the great English cardinal, "his robe and his integrity to heaven;" he has been divested of his robe of office, that is to us a small concern; but as he says attempts have been made to violate his integrity to heaven—this I have contended requires consideration. He has found out for his own satisfaction,

"How wretched is that poor man who hangs on Princes' favours!"

That is exclusively a concern of his own.

He asks for justice, let him have it: let it neither be sold, refused, nor delayed.

[Since Mr. Pearce concluded his remarks, a letter has been received from the Secretary of the Treasury, showing the number of persons employed in the Custom House service at Boston, New York, Philadelphia, Baltimore, and Charleston; in what capacity employed, and the amount

of pay received by each, for the year ending on the 30th day of September, 1832, including extra compensation, from which the following abstract is presented.

Boston—68 officers—Money paid 77,718 08—averaging to each 1143 dollars.

New-York—Officers 246—Money paid 275,422 84—averaging to each 1120 dollars.

Philadelphia—Officers 75—Money paid 77,318 12—averaging to each 1030 dollars.

Baltimore—17 officers—Money paid \$20,143 94

19 To each of the 17 officers 1180 dollars.

— The inspectors 10, at \$2 per day.

36

Charleston—34, including inspectors—Money paid 22,386 17

16 officers averaging each 1400 dollars; besides

18 inspectors at \$3 per day.

Money paid at the Custom Houses above named, to 422 officers, \$472,989 05

37 inspectors at \$ per day are not included.

From this letter it further appears, that during the year mentioned, the compensation of the collector of Boston was, 4,400 00

And the compensation of six of the subordinate officers of the customs, nominated by the collector, was, each, 2,591 41

The compensation of the collector of New York was, 5,400 00

And one of the officers under him was, 3,737 27

The compensation of the collector of Philadelphia was, 4,400 00

And that of John Steel, weigher, same year, 3,873 45

The compensation of the collector of Charleston was, 3,063 52

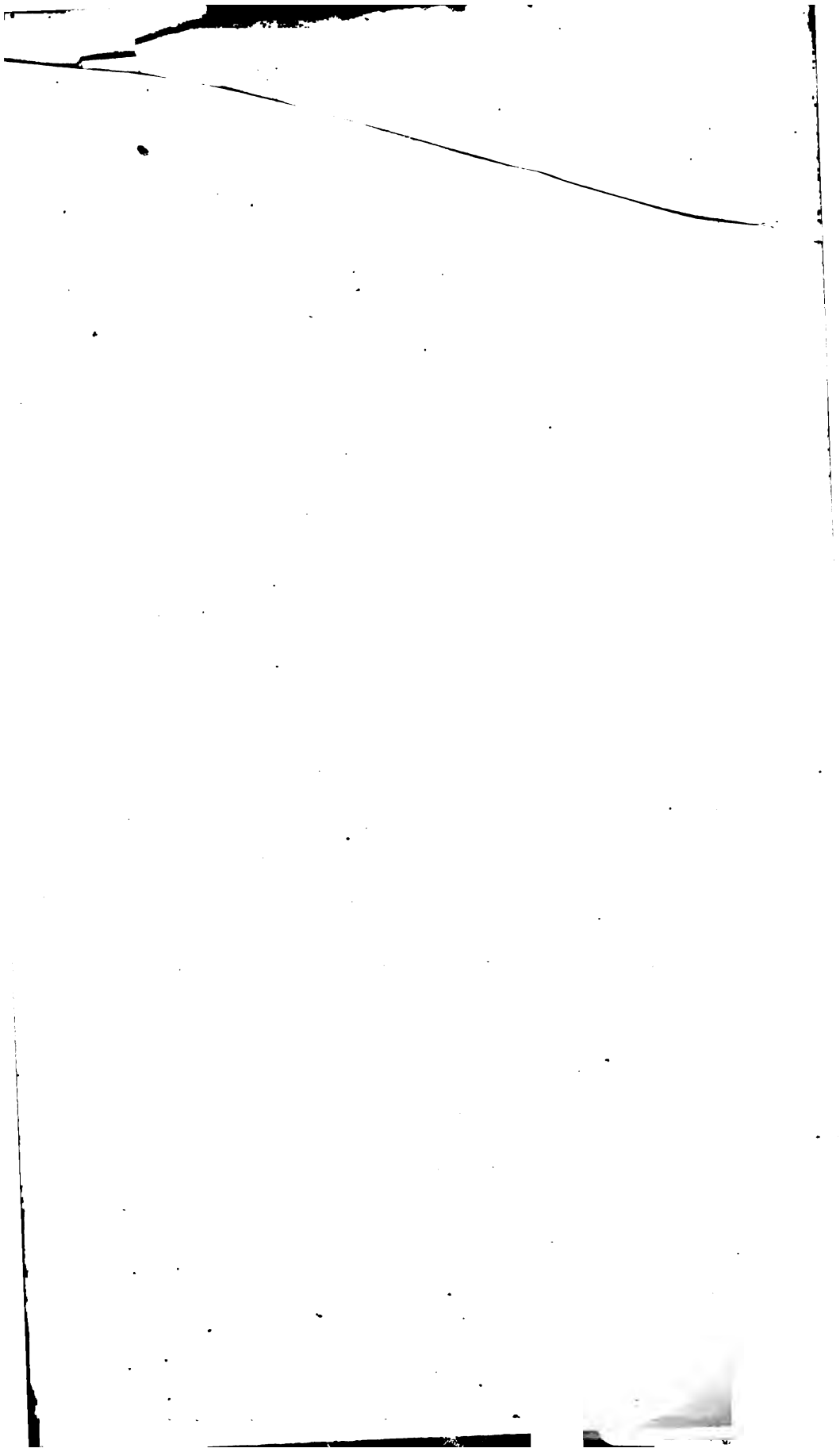
And the compensation of William Lavall, measurer, 3,586 60

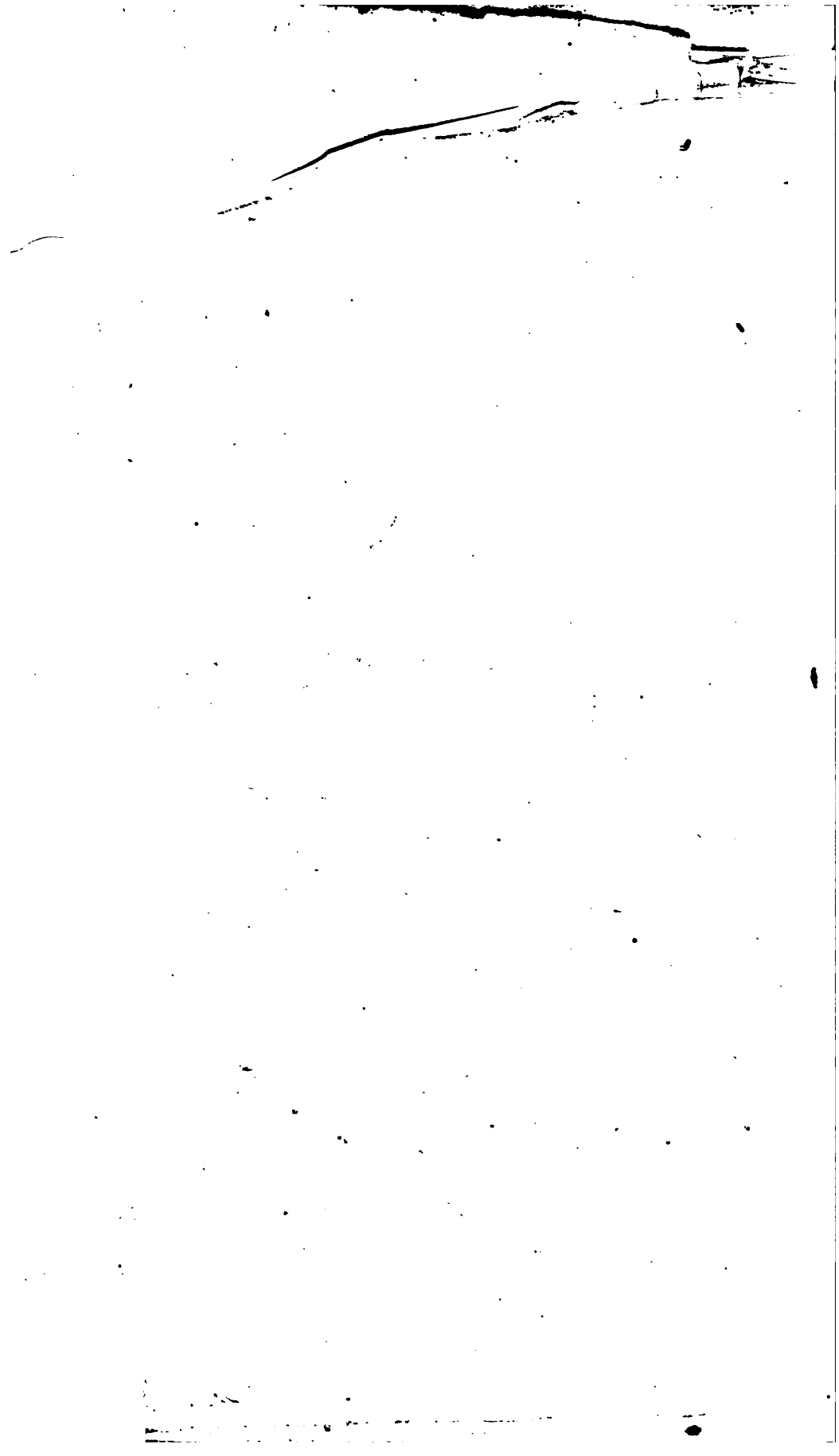
By the Blue Book, 1832, it appears that for the year past, the compensation of the collector of Providence, Rhode Island, was, 1,105 70

And same year, the compensation of James Thurber, ganger, was, 1,350 40

John E. Waterman, weigher and measurer, was, 1,650 56

As an act of justice to McClintock, the much abused inspector, it is thought proper to state, in order to show that he is not without honour where he is best known, that since this debate commenced, he was elected one of the selectmen of Booth Bay, Maine, by a decided majority over Gardner, one of the swift witnesses against him, and one of the inspectors of the customs.]







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